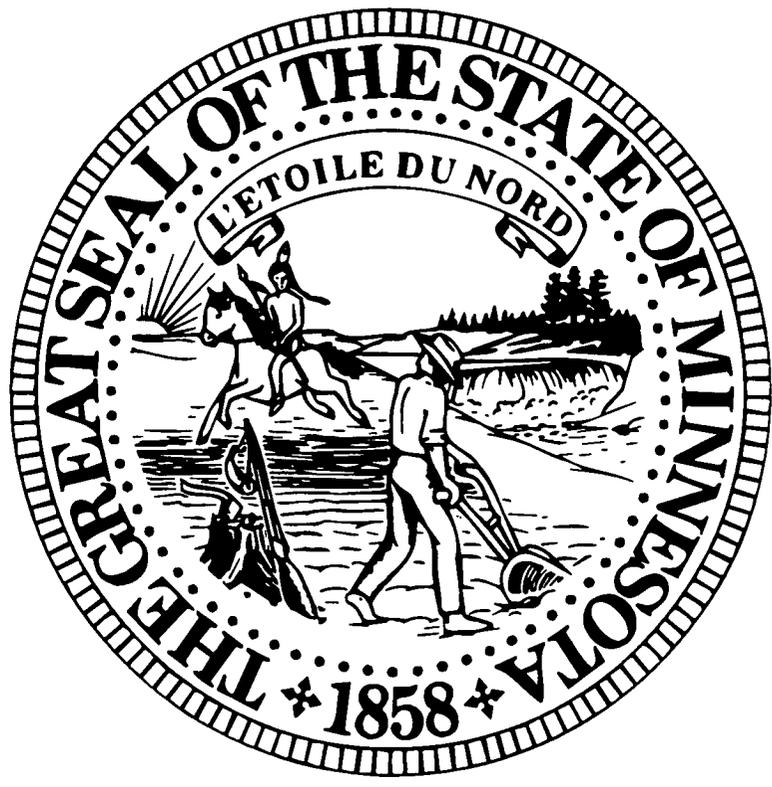


The Minnesota  
**State Register**

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# State Register

## Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional-technical-consulting contracts, non-state bids and public contracts and grants.

### Printing Schedule and Submission Deadlines

Vol. 21 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
# 40	Monday 31 March	Monday 17 March	Monday 24 March
# 41	Monday 7 April	Monday 24 March	Monday 31 March
# 42	Monday 14 April	Monday 31 March	Monday 7 April
# 43	Monday 21 April	Monday 7 April	Monday 14 April

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# Minnesota Rules: Amendments and Additions

## NOTICE: How to Follow State Agency Rulemaking in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific Minnesota Rule chapter numbers. Every odd-numbered year the Minnesota Rules are published. The current 1995 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the most current edition of the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive; issue #26 cumulative for issues #1-26; issues #27-38 inclusive; issue #39, cumulative for issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

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## Proposed Rules

### Comments on Planned Rules or Rule Amendments

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

### Rules to be Adopted After a Hearing

After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

### Rules to be Adopted Without a Hearing

Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

## Department of Health

### Proposed Permanent Rules Relating to Merit System Changes

#### DUAL NOTICE: Notice of Intent to Adopt a Rule Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received

Proposed Amendments to Rules of the Merit System Governing Definitions, Salary Adjustments and Increases, the Compensation Plan, Emergency Appointment, Temporary Appointment, Employee's Appointment Prior to Adoption of the Rules and Extension of Probationary Period; and Repeal of Rules Governing Administration of the Plan, Merit Increases, Work out of Class, Leaves of Absence and Appeals (*Minnesota Rules*, parts 4670.0100, 4670.1220, 4670.1310, 4670.1400-4670.1450, 4670.1600, 4670.2520, 4670.2530, 4670.2540, 4670.3000-4670.3080, and 4670.4200-4670.4240)

**Introduction.** The Minnesota Department of Health intends to adopt amendments and repeal rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and the Office of Administrative Hearings Rules, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rule within 30 days of the publication of this notice in the *State Register*, or by April 30, 1997, a public hearing will be held on May 13, 1997, beginning at 9:00 a.m. in the Cafeteria Conference Room on the 5th floor of the Veterans Building, 20 West 12th Street, St. Paul, Minnesota 55155. To find out whether the rule will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after April 30, 1997 and before May 13, 1997.

**Agency Contact Person.** Comments or questions on the rule and written requests for a public hearing must be submitted to: Betty Carlson, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822, telephone (612) 296-3996, fax number (612) 282-5340.

**Subject of Rule and Statutory Authority.** The Minnesota Merit System rules provide for a system of personnel administration for county health and human services agencies. The rules apply to all positions funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

Proposed amendments to part 4670.0100 provide for amendments to the definitions of permanent employee and temporary employee. Amendments to part 4670.1310 give more flexibility to county agencies in granting salary increases to employees. The amendments proposed to parts 4670.2520, 4670.2530 and 4670.2630 modify the requirements needed to appoint emergency and temporary appointments and to extend probationary periods, again giving county agencies more authority and flexibility. Changes proposed to part 4670.2540 clarify the requirements needed to appoint employees who were hired by an agency before adoption of the rules. Amendments to the compensation plan, part 4670.4200-4670.4240, provide for a 2% adjustment to the minimum and maximum salaries of all classifications covered by Merit System compensation plans, since this is the general salary adjustment being recommended for incumbents.

The Department is proposing repeal of rules covering appointments above the third step of the salary range, merit increases, appeal of denial of merit increases, appointments for work out of class and leaves of absence. Repeal of these rules is being proposed since county appointing authorities already have policies in these areas that would apply to county health and human services employees.

The statutory authority to adopt these rules is *Minnesota Statutes*, section 144.071. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. A free copy of this rule is available upon request from the agency contact person listed above. A copy of the proposed rule may also be viewed at any of the Minnesota county health or human services agencies covered by the Merit System.

**Comments.** You have until 4:30 p.m., April 30, 1997 to submit written comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rule must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing on the rule must be in writing and must be received by the agency contact person by 4:30 p.m. on April 30, 1997. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rule to which you object or state that you oppose the entire rule. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rule.

**Withdrawal of Requests.** If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

**Accommodation.** If you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The proposed rule may be modified either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the agency or presented at the hearing and the adopted rule may not be substantially different than this proposed rule. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

**Cancellation of Hearing.** The hearing scheduled for May 13, 1997 will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rule. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call Betty Carlson at 612-296-3996 after April 30, 1997 to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit written requests for a public hearing on the rule, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. An administrative law judge is assigned to conduct the hearing. The judge is Bruce H. Johnson. Judge Johnson can be reached at the Office of Administrative Hearings, 100 Washington Avenue South, #1700, Minneapolis, Minnesota 55401-2138; telephone (612) 341-7666.

**Hearing Procedure.** If a hearing is held, you and all interested or affected persons including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should relate to the proposed rule. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five working day response period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day response period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

## Proposed Rules

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be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240 and *Minnesota Statutes*, section 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment or response period also submit a copy of the written views or data to the agency contact person at the address stated above.

**Statement of Need and Reasonableness.** A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rule, including a description of who will be affected by the proposed rule and an estimate of the probable cost of the proposed rule. The statement may also be reviewed and copies obtained at the cost of reproduction from either the agency or the Office of Administrative Hearings.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A requires each lobbyist to register with the Ethical Practices Board. Questions regarding this requirement may be directed to the Ethical Practices Board at 1st Floor, Centennial Office Building, 658 Cedar Street, Saint Paul, Minnesota 55155; telephone (612) 296-5148.

**Adoption Procedure if No Hearing.** If no hearing is required, the agency may adopt the rule after the end of the comment period. The rule and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may request to be notified of the date the rule is submitted to the office. If you want to be so notified, or wish to receive a copy of the adopted rule, or want to register with the agency to receive notice of future rule proceedings, submit your request to Betty Carlson at the address listed above.

**Adoption Procedure After the Hearing.** If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rule. You may request to be notified of the date on which the judge's report will be available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the agency adopts the rule and files it with the Secretary of State, and can make this request at the hearing or in writing to the agency contact person stated above.

**Order.** I order that the rulemaking hearing be held at the date, time and located listed above.

Dated: 7 March 1997

Anne Barry  
Commissioner

### 4670.0100 DEFINITIONS.

[For text of subs 1 to 30, see M.R.]

Subp. 31. **Permanent employee.** "Permanent employee" means an employee who has successfully completed a probationary period or who has attained permanent status upon the installation of the merit system. The permanent designation means that the employee has achieved a status entitling that employee to the benefits, rights, privileges, and obligations conferred by parts 4670.0100 to 4670.4300 but the designation is not a guarantee of lifetime or career employment with the appointing authority.

[For text of subs 32 to 46, see M.R.]

Subp. 47. **Temporary employee.** "Temporary employee" means an employee who is appointed with a definite ending date. ~~A temporary employee's term of employment may not exceed a total of 12 months in any 24-month period in any one agency.~~

[For text of subs 48 to 50, see M.R.]

### 4670.1310 PLAN REQUIREMENTS.

In agencies where there is no exclusive representative or collective bargaining agreement, negotiated adjustments in the rates of pay of incumbents of positions, in order to conform to a newly adopted or currently effective compensation plan, shall be in accordance with items A to H:

[For text of items A to G, see M.R.]

H. An appointing authority may ~~propose grant~~ a salary increase within the salary range to an employee based upon detailed written statements to the supervisor specifying the unusual employment conditions that make that action necessary and the interests of the authority that will be served by that action. The supervisor shall review each proposal giving In granting this increase, the appointing authority shall give due consideration to the salary rates paid other employees in the same class in the authority and shall deny any request which not grant an increase that does not assure equitable compensation for comparable work. Salary increases proposed in accordance with according to this provision part are not based on employee performance or a general merit system adopted salary adjustment. The granting of such an increase shall not affect the employee's eligibility for subsequent merit increases or salary adjustments in accordance with merit system rules. If the unusual employment conditions giving rise to such an

increase are of a temporary nature, the employee's salary shall be decreased to its previous level upon termination of those conditions, notwithstanding the provisions of part 4670.1500, subpart 1 or 4670.3530.

#### **4670.2520 EMERGENCY APPOINTMENT.**

Whenever any emergency exists that requires the immediate services of one or more persons and it is not possible to obtain such persons from appropriate registers, the appointing authority may appoint a person or persons without consideration of other provisions of ~~these rules~~ this chapter governing appointments, except as provided in part 4670.4150. Such appointments normally shall be limited to no more than 45 working days during any calendar year for the same person; however, such appointment of the same person can be extended to 67 working days ~~with prior approval of the supervisor~~. Each emergency appointment shall be reported to the supervisor in the manner prescribed by the supervisor when the appointment is made.

#### **4670.2530 TEMPORARY APPOINTMENT.**

Subpart 1. ~~Approval Justification.~~ The supervisor may approve An appointing authority's authority may make a temporary appointment for:

[For text of items A to C, see M.R.]

D. unusual documented instances, when an appointing authority ~~asks to make~~ makes a temporary appointment of six months or less to a position otherwise authorized for more than six months.

[For text of subp 2, see M.R.]

Subp. 3. ~~No available candidates on eligible register.~~ In the absence of available candidates on the eligible register, the ~~super-~~ supervisor may authorize the appointing authority to may make a direct appointment of a person who meets the minimum qualifications of education and experience for the classification, after ~~considering the following documentation submitted by~~ documenting the appointing authority following:

A. a ~~statement~~ that there is no appropriate eligible list available or that all eligible candidates on an incomplete certification from an eligible list are unavailable or unsuitable for temporary appointment; and

B. a ~~description of~~ that the appointee's appointee meets the minimum qualifications in a manner prescribed by the supervisor to permit examination of the ~~appointee's~~ appointee's qualifications of education and experience.

Subp. 4. ~~Term of appointment.~~ Temporary appointments must only be for the period of need only and are limited to a period of six months. ~~An appointing authority may submit a written request to extend a temporary appointment for up to an additional six months, specifying the reason why the extension is necessary. A temporary employee's term of employment may not exceed a total of 12 months in any 24-month period in any one agency. A temporary appointment may be extended by the appointing authority for up to an additional six months.~~ The period of the temporary appointment may not be counted as part of a probationary period. Successive temporary appointments to the same position may not be made.

#### **4670.2540 EMPLOYEE'S APPOINTMENT PRIOR TO ADOPTION OF THESE RULES.**

An employee on the staff of a local public health agency prior to adoption of ~~these rules~~ parts 4670.0100 to 4670.4300 by that agency, with more than six months of continuous service in a classification, and who is certified by the appointing authority as having given satisfactory service since that time, may be ~~admitted to the examination for the~~ appointed to a position in the classifi- cation held on the date of adoption of parts 4670.0100 to 4670.4300 without consideration of minimum qualifications of training and experience. ~~Upon certification by the supervisor that the person has attained a passing grade in the first examination held in accordance with part 4670.1900, The person~~ employee may be appointed as a permanent employee by the appointing authority without being required to serve a probationary period.

Such ~~employee, certified as having given satisfactory service, who has been transferred or promoted to a position in another class within six months prior to the adoption of parts 4670.0100 to 4670.4300 and before the first examination for the position currently held, shall be admitted to the examination on the basis of the minimum qualifications of training and experience for the new class that were in effect at the time of the transfer or promotion. Such an employee may, on certification by the supervisor that the employee has attained a passing grade in the examination for that position, be retained as a permanent employee by the appointing authority. An employee transferred or promoted as described above who fails in the examination for the position currently held may, on certification by the supervisor that the employee has attained a passing grade in the examination for the position previously held, be retained in that position as a permanent employee, provided that there is a vacancy in the class.~~

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## Proposed Rules

The services of an employee who the supervisor does not certify as having attained a passing grade in the examination for either of the positions referred to above shall be terminated within 90 days after the establishment of a register for such position or positions in accordance with parts 4670.0100 to 4670.4300.

Such employee, certified as having given satisfactory service, who has been hired within six months before the adoption of these rules but prior to the first examination for the position held, An employee on the staff of a county board, welfare board, or human services board prior to the adoption of parts 9575.0650 to 9575.0700 by the board, with less than six months of continuous service in a classification, shall be admitted to the examination on the basis of the appointed to a position in the classification held on the date of adoption of parts 4670.0650 to 4670.0700 only if the employee meets the minimum qualifications of training and experience, for the class that were in effect at the time of the employee's hire. Such an employee may, on certification by the supervisor that the employee has attained a passing grade in the examination for that position, be retained as a probationary employee by the appointing authority. An employee hired as described above who fails in the examination for the position held shall be terminated within 90 days after the establishment of a register for such position in accordance with parts 4670.0100 to 4670.4300. The employee shall serve a probationary period.

A new employee appointed after the adoption of 4670.0100 to 4670.4300 by a local public health agency, but prior to the holding of the first examinations under parts 4670.0100 to 4670.4300 shall be considered as having a provisional appointment and shall be required to compete in the examination without preference. ~~Such~~ The new employee shall be admitted to the examination for the position on the basis of the minimum qualifications in effect at the time of appointment.

### 4670.2630 EXTENSION OF PROBATIONARY PERIOD.

In rare or unusual circumstances or conditions that prevent the making of a full and fair determination as a basis for granting permanent status or separating the employee from the service, an extension of the probationary period for up to three months may be granted. Initiation of a request to the supervisor for extension must be made at least 15 days before the end of the probationary period and shall specify the reasons why the extension is necessary. The appointing authority shall provide notice of the extension to the merit system and the employee. A current evaluation of the employee's performance shall accompany the request notice. A copy of the request for notice of extension and the evaluation shall be provided to the probationary employee by the appointing authority.

The supervisor's decision on the request shall be given to the agency and the employee at least five days in advance of the end of the initial probationary period.

Each formal request for extension of the probationary period and the decision on the request shall be reported to the council at its next meeting.

### 4670.4210 PROFESSIONAL AND ADMINISTRATIVE COMPENSATION PLAN, 1996 1997.

#### Subpart 1. Plan.

	Minimum	Maximum
Assistant Director of Environmental Health	<del>2517</del> <u>2568</u>	<del>4107</del> <u>4189</u>
Director of Environmental Health	<del>2881</del> <u>2938</u>	<del>4704</del> <u>4798</u>
Director of Public Health Nursing	<del>2407</del> <u>2455</u>	<del>4107</del> <u>4189</u>
Public Health Educator	<del>2017</del> <u>2057</u>	<del>3598</del> <u>3670</u>
Public Health Nurse	<del>2112</del> <u>2154</u>	<del>3438</del> <u>3506</u>
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree)	<del>2017</del> <u>2057</u>	<del>3286</del> <u>3352</u>
Sanitarian	<del>1928</del> <u>1966</u>	<del>3286</del> <u>3352</u>

### 4670.4220 HEALTH SERVICES SUPPORT PERSONNEL COMPENSATION PLAN.

#### Subpart 1. Plan.

	Minimum	Maximum
Bookkeeper	<del>1378</del> <u>1406</u>	<del>2257</del> <u>2302</u>
Home Health Aide	<del>1319</del> <u>1345</u>	<del>2060</del> <u>2101</u>
Home Health Aide Coordinator	<del>1548</del> <u>1578</u>	<del>2407</del> <u>2455</u>
Inspector	<del>1548</del> <u>1578</u>	<del>2407</del> <u>2455</u>
Licensed Practical Nurse	<del>1548</del> <u>1578</u>	<del>2407</del> <u>2455</u>
Public Health Aide	<del>1129</del> <u>1152</u>	<del>1928</del> <u>1966</u>

**4670.4230 CLERICAL COMPENSATION PLAN.**

Subpart 1. Plan.

	Minimum	Maximum
Clerk I	972 <u>991</u>	<del>1650</del> <u>1684</u>
Clerk II	<del>1129</del> <u>1152</u>	<del>1928</del> <u>1966</u>
Clerk III	<del>1319</del> <u>1345</u>	<del>2060</del> <u>2101</u>
Clerk-Typist I	<del>1061</del> <u>1082</u>	<del>1804</del> <u>1840</u>
Clerk-Typist II	<del>1129</del> <u>1152</u>	<del>1928</del> <u>1966</u>
Clerk-Typist III	<del>1412</del> <u>1440</u>	<del>2204</del> <u>2248</u>
Clerk-Steno	<del>1129</del> <u>1152</u>	<del>1928</del> <u>1966</u>
Switchboard Operator	<del>1061</del> <u>1082</u>	<del>1804</del> <u>1840</u>

**4670.4240 BUILDING MAINTENANCE COMPENSATION PLAN.**

[For text of subpart 1, see M.R.]

Subp. 2. Shift differential; janitors.

	Minimum	Maximum
Janitor	<del>1129</del> <u>1152</u>	<del>1928</del> <u>1966</u>

**REPEALER.** *Minnesota Rules*, parts 4670.1220; 4670.1400; 4670.1410; 4670.1420; 4670.1430; 4670.1440; 4670.1450; 4670.1600; 4670.3000; 4670.3010; 4670.3020; 4670.3030; 4670.3040; 4670.3050; 4670.3060; 4670.3070; and 4670.3080, are repealed.

**Department of Human Services**

**Proposed Permanent Rules Relating to Merit System**

**DUAL NOTICE: Notice of Intent to Adopt a Rule Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received**

Proposed Amendments to Rules of the Merit System Governing Definitions, Salary Adjustments and Increases, the Compensation Plan, Emergency Appointment, Temporary Appointment, Employee's Appointment Prior to Adoption of the Rules and Extension of Probationary Period; and Repeal of Rules Governing Administration of the Plan, Merit Increases, Work out of Class, Leaves of Absence and Appeals (*Minnesota Rules*, parts 9575.0010, 9575.0340, 9575.0350, 9575.0360, 9575.0380, 9575.0670, 9575.0680, 9575.0690, 9575.0740, 9575.1000 to 9575.1080, 9575.1190, and 9575.1500)

**Introduction.** The Minnesota Department of Human Services intends to adopt amendments and repeal rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and the Office of Administrative Hearings Rules, *Minnesota Rules*, parts 1400.2300-1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rule within 30 days of the publication of this notice in the *State Register*, or by April 30, 1997, a public hearing will be held on May 13, 1997 beginning at 9:00 a.m. in the Cafeteria Conference Room on the 5th floor of the Veterans Building, 20 West 12th Street, St. Paul, Minnesota 55155. To find out whether the rule will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after April 30, 1997 and before May 13, 1997.

**Agency Contact Person.** Comments or questions on the rule and written requests for a public hearing must be submitted to: Betty Carlson, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822, telephone (612) 296-3996, fax number (612) 282-5340.

**Subject of Rule and Statutory Authority.** The Minnesota Merit System rules provide for a system of personnel administration for 77 county human services and social services agencies. The rules apply to all positions funded in whole or in part by federal

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## Proposed Rules

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grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

Proposed amendments to part 9575.0010 provide for amendments to the definitions of permanent employee and temporary employee. Amendments to part 9575.0350 give more flexibility to county agencies in granting salary increases to employees. The amendments proposed to parts 9575.0670, 9575.0680 and 9575.0740 modify the requirements needed to appoint emergency and temporary appointments and to extend probationary periods, again giving county agencies more authority and flexibility. Changes proposed to part 9575.0690 clarify the requirements needed to appoint employees who were hired by an agency before adoption of the rules. Amendments to the compensation plan, part 9575.1500, provide for a 2% adjustment to the minimum and maximum salaries of all but one classification covered by Merit System compensation plans, since this is the general salary adjustment being recommended for incumbents. The minimum step of the salary range of the Case Aide classification is being adjusted by approximately 11% and the maximum salary is being adjusted 0%. A final amendment to part 9575.1500 provides for the addition of a new classification to the salary plan.

The Department is proposing repeal of rules covering appointments above the third step of the salary range, merit increases, appeal of denial of merit increases, appointments for work out of class and leaves of absence. Repeal of these rules is being proposed since county appointing authorities already have policies in these areas that would apply to county human services and social services employees.

The statutory authority to adopt these rules is *Minnesota Statutes*, section 256.012. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. A free copy of this rule is available upon request from the agency contact person listed above. A copy of the proposed rule may also be viewed at any of the Minnesota county human services or social services agencies covered by the Merit System.

**Comments.** You have until 4:30 p.m., April 30, 1997 to submit written comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rule must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing on the rule must be in writing and must be received by the agency contact person by 4:30 p.m. on April 30, 1997. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rule to which you object or state that you oppose the entire rule. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rule.

**Withdrawal of Requests.** If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

**Accommodation.** If you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The proposed rule may be modified either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the agency or presented at the hearing and the adopted rule may not be substantially different than this proposed rule. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

**Cancellation of Hearing.** The hearing scheduled for May 13, 1997 will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rule. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call Betty Carlson at 612-296-3996 after April 30, 1997 to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit written requests for a public hearing on the rule, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. An administrative law judge is assigned to conduct the hearing. The judge is Bruce H. Johnson. Judge Johnson can be reached at the Office of Administrative Hearings, 100 Washington Avenue South, #1700, Minneapolis, Minnesota 55401-2138; telephone (612) 341-7666.

**Hearing Procedure.** If a hearing is held, you and all interested or affected persons including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should relate to the proposed rule. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five working day response period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day response period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240 and *Minnesota Statutes*, section 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment or response period also submit a copy of the written views or data to the agency contact person at the address stated above.

**Statement of Need and Reasonableness.** A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rule, including a description of who will be affected by the proposed rule and an estimate of the probable cost of the proposed rule. The statement may also be reviewed and copies obtained at the cost of reproduction from either the agency or the Office of Administrative Hearings.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A requires each lobbyist to register with the Ethical Practices Board. Questions regarding this requirement may be directed to the Ethical Practices Board at 1st Floor, Centennial Office Building, 658 Cedar Street, Saint Paul, Minnesota 55155; telephone (612) 296-5148.

**Adoption Procedure if No Hearing.** If no hearing is required, the agency may adopt the rule after the end of the comment period. The rule and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may request to be notified of the date the rule is submitted to the office. If you want to be so notified, or wish to receive a copy of the adopted rule, or want to register with the agency to receive notice of future rule proceedings, submit your request to Betty Carlson at the address listed above.

**Adoption Procedure After the Hearing.** If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rule. You may request to be notified of the date on which the judge's report will be available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the agency adopts the rule and files it with the Secretary of State, and can make this request at the hearing or in writing to the agency contact person stated above.

**Order.** I order that the rulemaking hearing be held at the date, time and located listed above.

Dated: 4 March 1997

David S. Doth  
Commissioner

## 9575.0010 DEFINITIONS.

[For text of subs 1 to 29, see M.R.]

Subp. 30. **Permanent employee.** "Permanent employee" means an employee who has successfully completed a probationary period or who has attained permanent status upon the installation of the merit system. The permanent designation means that the employee has achieved a status entitling that employee to the benefits, rights, privileges, and obligations conferred by this chapter but the designation is not a guarantee of lifetime or career employment with the appointing authority.

[For text of subs 31 to 45, see M.R.]

Subp. 46. **Temporary employee.** "Temporary employee" means an employee who is appointed with a definite ending date. ~~A temporary employee's term of employment may not exceed a total of 12 months in any 24-month period in any one agency.~~

[For text of subs 47 to 49, see M.R.]

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## Proposed Rules

### 9575.0350 SALARY ADJUSTMENTS AND INCREASES.

Subpart 1. **Availability of funds.** Before salary increases and adjustments are made in accordance with ~~according to~~ parts 9575.0300 to ~~9575.0380~~ 9575.0370, or in accordance with ~~according to~~ a negotiated collective bargaining agreement, the appointing authority shall have in its records and carry in its minutes a definite statement that funds for this purpose are available.

Subp. 2. **Plan requirements.** In agencies where there is no exclusive representative or collective bargaining agreement, negotiated adjustments in the rates of pay of incumbents of positions, in order to conform to a newly adopted or currently effective compensation plan, shall be in accordance with the following provisions:

[For text of items A to G, see M.R.]

H. An appointing authority may ~~propose grant~~ a salary increase within the salary range to an employee ~~based upon detailed written statements to the supervisor specifying the unusual employment conditions that make the action necessary and the interests of the agency that will be served by the action. The supervisor shall review each proposal, giving~~ In granting this increase, the appointing authority shall give due consideration to the salary rates paid other employees in the same class in the agency classification and shall ~~deny any request which not grant an increase that does not assure ensure~~ equitable compensation for comparable work. Salary increases proposed in accordance with ~~according to~~ this section ~~part~~ are not based on employee performance or a general merit system adopted salary adjustment. The granting of such an increase shall not affect the employees' eligibility for subsequent merit increases or salary adjustments in accordance with merit system rules. If the unusual employment conditions giving rise to such an increase are of a temporary nature, the employee's salary shall be decreased to its previous level upon conclusion of those conditions. This decrease is not subject to part 9575.0370 or ~~part~~ 9575.1180.

[For text of subps 3 to 5, see M.R.]

### 9575.0670 EMERGENCY APPOINTMENT.

Whenever an emergency exists that requires the immediate services of one or more persons and it is not possible to obtain such persons from appropriate registers, the appointing authority may appoint a person or persons without consideration of other provisions of ~~these rules this chapter~~ governing appointment, except as provided in parts 9575.1410 to 9575.1450. Such appointments normally shall be limited to no more than 45 working days during any calendar year for the same person; however, such appointment of the same person can be extended to 67 working days ~~with prior approval by the supervisor.~~

### 9575.0680 TEMPORARY APPOINTMENT.

Subpart 1. **Approval Justification.** ~~The supervisor may approve~~ An appointing authority's ~~authority may make~~ a temporary appointment for:

- A. filling a vacancy funded for six months or less;
- B. providing an employee for a temporary project not anticipated to last more than six months;
- C. filling a vacancy created by an approved leave of absence; or
- D. unusual documented instances, when an appointing authority ~~asks to make~~ makes a temporary appointment of six months or less to a position otherwise authorized for more than six months.

[For text of subp 2, see M.R.]

Subp. 3. **No available candidates on eligible register.** In the absence of available candidates on the eligible register, the ~~supervisor may authorize the appointing authority to~~ may make a direct appointment of a person who meets the minimum qualifications of education and experience for the classification, after ~~considering the following documentation submitted by~~ documenting the appointing authority following:

- A. ~~a statement that there is no appropriate eligible list available or that all eligible candidates on an incomplete certification from an eligible list are unavailable or unsuitable for temporary appointment; and~~
- B. ~~a description of that the appointee's~~ appointee meets the minimum qualifications in a manner prescribed by the supervisor to permit examination of the appointee's qualifications education and experience.

Subp. 4. **Term of appointment.** Temporary appointments must only be for the period of need ~~only~~ and are limited to six months. ~~An appointing authority may submit a written request to extend a temporary appointment~~ A temporary appointment may be extended by the appointing authority for up to an additional six months; ~~specifying the reason why the extension is necessary. A temporary employee's term of employment may not exceed a total of 12 months in any 24-month period in any one agency. The period of the temporary appointment may not be counted as part of a probationary period. Successive temporary appointments to the same position may not be made.~~

**9575.0690 EMPLOYEE'S APPOINTMENT PRIOR TO ADOPTION OF THESE PARTS.**

Subpart 1. **Continuous service.** An employee on the staff of a local social services agency prior to the adoption of parts 9575.0650 to 9575.0700 by the board, with more than six months of continuous service in a classification, and who is certified by the appointing authority as having given satisfactory service since that time may be admitted to the examination for the appointed to a position in the classification held on the date of adoption of these parts this chapter without consideration of minimum qualifications of training and experience. Upon certification by the supervisor that the person has attained a passing grade in the first examination held in accordance with parts 9575.0450 to 9575.0520, The person employee may be appointed as a permanent employee by the appointing authority without being required to serve a probationary period.

Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

Subp. 4. **Probationary employee.** Such employee, certified as having given satisfactory service, who has been hired within six months before the adoption of these parts but prior to the first examination on the basis of the minimum qualifications of training and experience for the class that were in effect at the time of hire. Such an employee may, on certification by the supervisor that the employee has attained a passing grade in the examination for that position, be retained as a probationary employee by the appointing authority. An employee hired as described above who fails in the examination for the position held shall be terminated within 90 days after the establishment of a register for such position in accordance with these rules. An employee on the staff of a county board, welfare board, or human services board prior to the adoption of parts 9575.0650 to 9575.0700 by the board, with less than six months of continuous service in a classification, shall be appointed to a position in the classification held on the date of adoption of this chapter only if the employee meets the minimum qualifications of training and experience. The employee shall serve a probationary period.

[For text of subp 5, see M.R.]

**9575.0740 EXTENSION OF PROBATIONARY PERIOD.**

In rare or unusual circumstances or conditions that prevent the making of a full and fair determination as a basis for granting permanent status or separating the employee from the service, an extension of the probationary period for up to three months may be granted. Initiation of a request to the merit system supervisor for extension must be made at least 15 days before the end of the probationary period and shall specify the reasons why the extension is necessary. The appointing authority shall provide notice of the extension to the merit system and the employee. A current evaluation of the employee's performance shall accompany the request notice. A copy of the request for extension and the evaluation shall be provided to the probationary employee by the appointing authority.

The supervisor's decision on the request shall be given to the agency and the employee at least five days in advance of the end of the initial probation period.

Each formal request for extension of the probationary period and the decision on the request shall be reported to the merit system council at its next meeting.

**9575.1500 COMPENSATION PLAN; HUMAN SERVICES, 1996 1997.**

Subpart 1. **Professional.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

	Minimum	Maximum
Accountant	2017 <u>2057</u>	3286 <u>3352</u>
Accounting Supervisor	2407 <u>2455</u>	4107 <u>4189</u>
Administrative Assistant I	2517 <u>2568</u>	4500 <u>4590</u>
Administrative Assistant II	2943 <u>3002</u>	4800 <u>4896</u>
Administrative Assistant III	3360 <u>3427</u>	5234 <u>5339</u>
Adult Day Care Center Supervisor	1928 <u>1966</u>	3286 <u>3352</u>
Assistant Welfare Director	4500 <u>4590</u>	6967 <u>7106</u>
Business Manager	3286 <u>3352</u>	5124 <u>5226</u>

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## Proposed Rules

Chemical Dependency Coördinator	2017 2057	3286 3352
Collections and Accounting Unit Supervisor	2112 2154	3598 3670
Collection Services Supervisor II	2112 2154	3598 3670
Community Health Services Supervisor	2407 2455	4107 4189
Computer Programmer	1928 1966	3286 3352
Contract Services Representative	2204 2248	3758 3833
County Agency Social Worker (Licensing Specialist)	1928 1966	3286 3352
County Agency Social Worker	2017 2057	3598 3670
County Agency Social Worker (Child Protection Specialist)	2017 2057	3598 3670
County Agency Social Worker (MSW)	2112 2154	3598 3670
County Agency Social Worker (MSW) (Child Protection Specialist)	2112 2154	3598 3670
Day Treatment Supervisor	2307 2353	3758 3833
Day Treatment Therapist	2017 2057	3598 3670
Director of Business Management I	2943 3002	4800 4896
Director of Business Management II	3520 3590	5468 5578
Director of Financial Assistance	3520 3590	5468 5578
Director of Planning	3520 3590	5468 5578
Director of Public Health Nursing	2407 2455	4107 4189
Director of Social Services	3520 3590	5468 5578
Employment Guidance Counselor	1845 1882	2881 2938
Family Based Services Supervisor	2017 2057	3286 3352
Family Service Coordinator II	1845 1882	2881 2938
Financial Assistance Supervisor I	2112 2154	3598 3670
Financial Assistance Supervisor II	2407 2455	4107 4189
Financial Assistance Supervisor III	2517 2568	4500 4590
Fiscal Manager	2517 2568	4500 4590
Fiscal Officer	1845 1882	2881 2938
Fiscal Supervisor I	1928 1966	3286 3352
Fiscal Supervisor II	2407 2455	4107 4189
Gerontology Counselor	2112 2154	3598 3670
Human Services Director III	3844 3921	5976 6095
Human Services Supervisor I	2517 2568	4500 4590
Human Services Supervisor II	3286 3352	5124 5226
Managed Care Supervisor	1928 1966	3286 3352
Mental Health Program Manager	2943 3002	4800 4896
Mental Health Worker	2204 2248	3758 3833
Nutrition Project Assistant Director	1928 1966	3286 3352
Nutrition Project Director	2407 2455	4107 4189
Office Services Supervisor	1845 1882	2881 2938
Planner (Human Services)	2204 2248	3758 3833
Psychologist I	2112 2154	3598 3670
Psychologist II	2407 2455	4107 4189
Psychologist III	3213 3277	4800 4896
Public Health Educator	2017 2057	3598 3670
Public Health Nurse	2112 2154	3438 3506
Public Health Nurse (Team Leader)	2204 2248	3598 3670
Public Health Nursing Supervisor	2307 2353	3758 3833
Recreational Therapist	1845 1882	2881 2938
Registered Dietitian	1928 1966	3286 3352
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree)	2017 2057	3286 3352
Sanitarian	1928 1966	3286 3352
Senior Staff Development Specialist	2407 2455	4107 4189
Social Services Supervisor I	2517 2568	4500 4590
Social Services Supervisor II	2881 2938	4911 5009
Social Services Supervisor III	3286 3352	5124 5226
Special Services Supervisor	2307 2353	3758 3833
Staff Development Specialist	1928 1966	3286 3352

## Proposed Rules

Student Social Worker (Intern)	Rate proposed by appointing authority.		
Support Services and Accounting Supervisor		<del>2204</del> <u>2248</u>	<del>3758</del> <u>3833</u>
Support Services Supervisor		<del>2017</del> <u>2057</u>	<del>3286</del> <u>3352</u>
Trainee	Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of human services.		
Volunteer Services Coordinator		<del>1928</del> <u>1966</u>	<del>3286</del> <u>3352</u>
Welfare Director I		<del>2943</del> <u>3002</u>	<del>4800</del> <u>4896</u>
Welfare Director II		<del>3286</del> <u>3352</u>	<del>5124</del> <u>5226</u>
Welfare Director III		<del>3520</del> <u>3590</u>	<del>5468</del> <u>5578</u>
Welfare Director IV		<del>3844</del> <u>3921</u>	<del>5976</del> <u>6095</u>
Welfare Director V		<del>4107</del> <u>4189</u>	<del>6380</del> <u>6508</u>

Subp. 4. **Support personnel.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

	Minimum	Maximum
Account Clerk	<del>1319</del> <u>1345</u>	<del>2060</del> <u>2101</u>
Accounting Technician	<del>1412</del> <u>1440</u>	<del>2204</del> <u>2248</u>
Adult Day Care Center Program Coordinator	<del>1548</del> <u>1578</u>	<del>2407</del> <u>2455</u>
Case Aide	<del>1476</del> <u>1645</u>	2634
Chemical Dependency Counselor	<del>1723</del> <u>1757</u>	<del>2573</del> <u>2624</u>
Child Health Aide	<del>1129</del> <u>1152</u>	<del>1928</del> <u>1966</u>
Child Support Officer (Administrative Process)	<del>1845</del> <u>1882</u>	<del>2881</del> <u>2938</u>
Child Support Officer I	<del>1723</del> <u>1757</u>	<del>2573</del> <u>2624</u>
Child Support Officer II	<del>1845</del> <u>1882</u>	<del>2881</del> <u>2938</u>
Collections Officer	<del>1548</del> <u>1578</u>	<del>2407</del> <u>2455</u>
Collection Services Supervisor I	<del>2017</del> <u>2057</u>	<del>3286</del> <u>3352</u>
Community Service Aide	<del>1129</del> <u>1152</u>	<del>1928</del> <u>1966</u>
Community Support Technician	<del>1723</del> <u>1757</u>	<del>2573</del> <u>2624</u>
Computer Operations Specialist	<del>1319</del> <u>1345</u>	<del>2060</del> <u>2101</u>
Coordinator of Aging	<del>1845</del> <u>1882</u>	<del>2881</del> <u>2938</u>
Crisis Center Resource Aide	<del>1412</del> <u>1440</u>	<del>2204</del> <u>2248</u>
Executive Assistant	<del>1723</del> <u>1757</u>	<del>2573</del> <u>2624</u>
Family Based Services Provider	<del>1723</del> <u>1757</u>	<del>2573</del> <u>2624</u>
Family Service Aide I	<del>1319</del> <u>1345</u>	<del>2060</del> <u>2101</u>
Family Service Aide II	<del>1412</del> <u>1440</u>	<del>2204</del> <u>2248</u>
Family Service Coordinator I	<del>1548</del> <u>1578</u>	<del>2407</del> <u>2455</u>
Family Service/Home Health Aide	<del>1319</del> <u>1345</u>	<del>2060</del> <u>2101</u>
Financial Assistance Specialist	<del>1845</del> <u>1882</u>	<del>2881</del> <u>2938</u>
Financial Worker	<del>1723</del> <u>1757</u>	<del>2573</del> <u>2624</u>
Fraud Prevention Specialist	<del>1723</del> <u>1757</u>	<del>2573</del> <u>2624</u>
Home Health Aide	<del>1319</del> <u>1345</u>	<del>2060</del> <u>2101</u>
Home Health Aide Coordinator	<del>1548</del> <u>1578</u>	<del>2407</del> <u>2455</u>
Housekeeper	Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of human services.	
Housing Coordinator	<del>2017</del> <u>2057</u>	<del>3286</del> <u>3352</u>
Housing Rehabilitation Specialist	<del>1548</del> <u>1578</u>	<del>2407</del> <u>2455</u>

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

## Proposed Rules

Licensed Practical Nurse	<del>1548</del> <u>1578</u>	<del>2407</del> <u>2455</u>
Managed Care Advocate	<del>1845</del> <u>1882</u>	<del>2881</del> <u>2938</u>
Managed Care Enroller	<del>1723</del> <u>1757</u>	<del>2573</del> <u>2624</u>
Methods and Procedures Technician	<del>1723</del> <u>1757</u>	<del>2573</del> <u>2624</u>
Monitoring and Review Specialist	<del>1548</del> <u>1578</u>	<del>2407</del> <u>2455</u>
Public Health Aide	<del>1129</del> <u>1152</u>	<del>1928</del> <u>1966</u>
Senior Citizen's Aide	<del>1319</del> <u>1345</u>	<del>2060</del> <u>2102</u>
SILS Program Coordinator	<del>1723</del> <u>1757</u>	<del>2573</del> <u>2624</u>
Social Services Administrative Aide	<del>1845</del> <u>1882</u>	<del>2881</del> <u>2938</u>
Support and Collections Specialist	<del>1845</del> <u>1882</u>	<del>2881</del> <u>2938</u>
Support Enforcement Aide	<del>1319</del> <u>1345</u>	<del>2060</del> <u>2101</u>
<u>Transit Coordinator</u>	<u>1345</u>	<u>2101</u>
Welfare Fraud Investigator	<del>1845</del> <u>1882</u>	<del>2881</del> <u>2938</u>

Subp. 7. **Clerical.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

	Minimum	Maximum
Administrative Secretary	<del>1412</del> <u>1440</u>	<del>2204</del> <u>2248</u>
Clerk I	<del>972</del> <u>991</u>	<del>1650</del> <u>1684</u>
Clerk II	<del>1129</del> <u>1152</u>	<del>1928</del> <u>1966</u>
Clerk III	<del>1319</del> <u>1345</u>	<del>2060</del> <u>2101</u>
Clerk-Typist I	<del>1061</del> <u>1082</u>	<del>1804</del> <u>1840</u>
Clerk-Typist II	<del>1129</del> <u>1152</u>	<del>1928</del> <u>1966</u>
Clerk-Typist III	<del>1412</del> <u>1440</u>	<del>2204</del> <u>2248</u>
Clerk-Steno	<del>1129</del> <u>1152</u>	<del>1928</del> <u>1966</u>
Data Entry Operator	<del>1061</del> <u>1082</u>	<del>1804</del> <u>1840</u>
Information Systems Specialist	<del>1129</del> <u>1152</u>	<del>1928</del> <u>1966</u>
Legal Secretary	<del>1319</del> <u>1345</u>	<del>2060</del> <u>2101</u>
Switchboard Operator	<del>1061</del> <u>1082</u>	<del>1804</del> <u>1840</u>

Subp. 10. **Maintenance and trades.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions. Janitors who are required to work for a period of at least five hours after 6 p.m. on a regularly scheduled basis may be paid a shift differential in the amount of one salary step above their normal day-work rate.

	Minimum	Maximum
Automobile/Van Driver	<del>1061</del> <u>1082</u>	<del>1804</del> <u>1840</u>
Bus Driver	<del>1129</del> <u>1152</u>	<del>1928</del> <u>1966</u>
Janitor	<del>1129</del> <u>1152</u>	<del>1928</del> <u>1966</u>
Maintenance Worker	<del>1319</del> <u>1345</u>	<del>2060</del> <u>2101</u>

**REPEALER.** Minnesota Rules, parts 9575.0340; 9575.0360; 9575.0380; 9575.0690, subparts 2 and 3; 9575.1000; 9575.1010; 9575.1020; 9575.1030; 9575.1040; 9575.1050; 9575.1060; 9575.1070; 9575.1080; and 9575.1190, are repealed.

## Department of Public Safety

### Proposed Permanent Rules Relating to Merit System Changes

#### DUAL NOTICE: Notice of Intent to Adopt a Rule Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received

Proposed Amendments to Rules of the Merit System Governing Definitions, Salary Adjustments and Increases, the Compensation Plan and Repeal of Rules Governing Administration of the Plan, Merit Increases and Work out of Class (*Minnesota Rules*, parts 7520.0100, 7520.0640, 7520.0650, 7520.0660, 7520.0680, and 7520.1000-7520.1100)

**Introduction.** The Minnesota Department of Public Safety intends to adopt amendments and repeal rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and the Office of Administrative Hearings Rules, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rule within 30 days of the publication of this notice in the *State Register*, or by April 30, 1997, a public hearing will be held on May 13, 1997, beginning at 9:00 a.m. in the Cafeteria Conference Room on the 5th floor of the Veterans Building, 20 West 12th Street, St. Paul, Minnesota 55155. To find out whether the rule will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after April 30, 1997 and before May 13, 1997.

**Agency Contact Person.** Comments or questions on the rule and written requests for a public hearing must be submitted to: Betty Carlson, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822, telephone (612) 296-3996, fax number (612) 282-5340.

**Subject of Rule and Statutory Authority.** The Minnesota Merit System rules provide for a system of personnel administration for 22 local and county emergency management agencies. The rules apply to all positions funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

Proposed amendments to part 7520.0100 provide for amendments to the definitions of permanent employee and temporary employee. Amendments to part 7520.0650 give more flexibility to local and county agencies in granting salary increases to employees. Amendments to the compensation plan, part 7520.1000-7520.1100, provide for a 2% adjustment to the minimum and maximum salaries of all classifications covered by Merit System compensation plans, since this is the general salary adjustment being recommended for incumbents.

The Department is proposing repeal of rules covering appointments above the third step of the salary range, merit increases, and appointments for work out of class. Repeal of these rules is being proposed since appointing authorities already have policies in these areas that would apply to local and county emergency management employees.

*Minnesota Rules*, part 7520.0200, subpart 2 makes *Minnesota Rules*, parts 9575.0400-9575.1300, which are the rules of the Department of Human Services Merit System, applicable to local and county emergency management agencies. Proposed amendments to parts 9575.0670, 9575.0680, 9575.0690 and 9575.0740 affect the requirements needed to appoint emergency and temporary appointments, extend probationary periods and appoint employees who were hired in an agency before that agency adopted the rules. Proposed repeal of parts 9575.1000 to 9575.1080 and 9575.1190 will allow appointing authorities to use their own policies regarding leaves of absence and denial of merit increases. A copy of the Department of Human Services rule amendments and notice is attached to this notice.

The statutory authority to adopt these rules is *Minnesota Statutes*, section 12.22, subd. 3. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. A free copy of this rule is available upon request from the agency contact person listed above. A copy of the proposed rule may also be viewed at any of the Minnesota local and county emergency management agencies covered by the Merit System.

**Comments.** You have until 4:30 p.m., April 30, 1997 to submit written comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rule must also be made during this comment period.

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

## Proposed Rules

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**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing on the rule must be in writing and must be received by the agency contact person by 4:30 p.m. on April 30, 1997. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rule to which you object or state that you oppose the entire rule. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rule.

**Withdrawal of Requests.** If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

**Accommodation.** If you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The proposed rule may be modified either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the agency or presented at the hearing and the adopted rule may not be substantially different than this proposed rule. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

**Cancellation of Hearing.** The hearing scheduled for May 13, 1997 will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rule. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call Betty Carlson at 612-296-3996 after April 30, 1997 to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit written requests for a public hearing on the rule, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. An administrative law judge is assigned to conduct the hearing. The judge is Bruce H. Johnson. Judge Johnson can be reached at the Office of Administrative Hearings, 100 Washington Avenue South, #1700, Minneapolis, Minnesota 55401-2138; telephone (612) 341-7666.

**Hearing Procedure.** If a hearing is held, you and all interested or affected persons including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should relate to the proposed rule. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five working day response period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day response period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240 and *Minnesota Statutes*, section 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment or response period also submit a copy of the written views or data to the agency contact person at the address stated above.

**Statement of Need and Reasonableness.** A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rule, including a description of who will be affected by the proposed rule and an estimate of the probable cost of the proposed rule. The statement may also be reviewed and copies obtained at the cost of reproduction from either the agency or the Office of Administrative Hearings.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A requires each lobbyist to register with the Ethical Practices Board. Questions regarding this requirement may be directed to the Ethical Practices Board at 1st Floor, Centennial Office Building, 658 Cedar Street, Saint Paul, Minnesota 55155; telephone (612) 296-5148.

**Adoption Procedure if No Hearing.** If no hearing is required, the agency may adopt the rule after the end of the comment period. The rule and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may request to be notified of the date the rule is submitted to the office. If you want to be so notified, or wish to receive a copy of the adopted rule, or want to register with the agency to receive notice of future rule proceedings, submit your request to Betty Carlson at the address listed above.

**Adoption Procedure After the Hearing.** If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rule. You may request to be notified of the date on which the judge's report will be available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the agency adopts the rule and files it with the Secretary of State, and can make this request at the hearing or in writing to the agency contact person stated above.

**Order.** I order that the rulemaking hearing be held at the date, time and located listed above.

Dated: 5 March 1997

Arne H. Carlson  
Governor

**7520.0100 DEFINITIONS.**

[For text of subs 1 to 30, see M.R.]

Subp. 31. **Permanent employee.** "Permanent employee" means an employee who has successfully completed a probationary period or who has attained permanent status upon the installation of the merit system. The permanent designation means that the employee has achieved a status entitling that employee to the benefits, rights, privileges, and obligations conferred by parts 7520.0100 to 7520.1200 but the designation is not a guarantee of lifetime or career employment with the appointing authority.

[For text of subs 32 to 46, see M.R.]

Subp. 47. **Temporary employee.** "Temporary employee" means an employee who is appointed with a definite ending date. ~~A temporary employee's term of employment may not exceed a total of 12 months in any 24-month period in any one agency.~~

[For text of subs 48 to 50, see M.R.]

**7520.0650 SALARY ADJUSTMENTS AND INCREASES.**

[For text of subpart 1, see M.R.]

Subp. 2. **Plan requirements.** In agencies where there is no exclusive representative or collective bargaining agreement, negotiated adjustments in the rates of pay of incumbents of positions, in order to conform to a newly adopted or currently effective compensation plan, shall be in accordance with items A to H.

[For text of items A to G, see M.R.]

H. An appointing authority may propose grant a salary increase within the salary range after providing detailed written statements to the supervisor specifying the to an employee based upon unusual employment conditions that make the action necessary and the interests of the agency that will be served by the action. ~~The supervisor shall review each such proposal giving~~ In granting this increase, the appointing authority shall give due consideration to the salary rates paid other employees in the same class in the agency and shall deny any request which does not assure equitable compensation for comparable work. Salary increases proposed ~~in accordance with~~ according to this paragraph part are not based on employee performance or a general merit system adopted salary adjustment. The granting of the increase will not affect the employee's eligibility for subsequent merit increases or salary adjustments in accordance with merit system rules. If the unusual employment conditions justifying the increase are of a temporary nature the employee's salary shall be decreased to its previous level upon conclusion of those conditions, notwithstanding the provisions of part 7520.0670 or ~~12 MCAR § 2-508 D 9575,1180.~~

[For text of subs 3 to 5, see M.R.]

**7520.1000 COMPENSATION PLAN (EMERGENCY MANAGEMENT), 1996 1997; PROFESSIONAL.**

Subpart 1. **Plan.**

	Minimum	Maximum
Administrative Officer Assistant	2017 <u>2057</u>	3148 <u>3211</u>
Emergency Management Director	1845 <u>1882</u>	2881 <u>2938</u>
Communications Officer	1765 <u>1800</u>	2763 <u>2818</u>
Operations Officer	2017 <u>2057</u>	3148 <u>3211</u>

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## Proposed Rules

Public Information Officer	2017 2057	3148 3211
Radiological Officer	1765 1800	2763 2818
Safety Services Coordinator	2017 2057	3148 3211

### 7520.1100 COMPENSATION PLAN (EMERGENCY MANAGEMENT), 1996 1997; CLERICAL.

#### Subpart 1. Plan.

	Minimum	Maximum
Clerk I	972 991	1650 1684
Clerk II	1129 1152	1928 1966
Clerk III	1319 1345	2060 2101
Clerk-Typist I	1061 1082	1804 1840
Clerk-Typist II	1129 1152	1928 1966
Clerk-Typist III	1412 1440	2204 2248
Clerk-Steno	1129 1152	1928 1966

**REPEALER.** *Minnesota Rules*, parts 7520.0640; 7520.0660; and 7520.0680, are repealed.

## Department of Natural Resources

### Proposed Permanent Rules Relating to Off-Highway Motorcycles, Off-Road Vehicles, and All-Terrain Vehicles

#### Notice of Intent to Adopt Rules Without a Public Hearing

Proposed Amendment to Rules Governing Off-Highway Motorcycles, Off-Road Vehicles, and All-Terrain Vehicles, *Minnesota Rules* 6102.0001 through 6102.0090.

**Introduction.** The Department of Natural Resources intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of the Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. You have 30 days to submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules.

**Agency Contact Person.** Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Lt. Michael Hamm at Minnesota Department of Natural Resources, Division of Enforcement, Box 47, 500 Lafayette Road, St. Paul, MN. TTY users may call the Department of Natural Resources at (612) 296-5484 or 1-800-657-3929.

**Subject of Rules and Statutory Authority.** The proposed rules will cover modifications to the rules governing all terrain vehicles, *Minnesota Rules* parts 6102.0010-.0800. The proposed rules will include off-highway motorcycles and off-road vehicles in *Minnesota Rules*, parts 6102.0010-.0800. The amendments will also relate to vehicle registration, display, description and replacement of numbers and decals; reporting of abandoned, stolen or destroyed vehicles, dealer's and manufacturer's registration; special permits; required equipment; towing by a vehicle; permanent identification numbers; muffler requirements; use of vehicles on public lands, water, trails and roadways; regulations by governmental subdivision; official use and variance; uniform signs; education and training programs for ATV and OHM and penalties.

The statutory authority to adopt the rules is *Minnesota Statutes*, sections 84.787 to 84.796, 84.797 to 84.805, and 84.92 to 84.929. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. on May 1, 1997, to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on May 1, 1997. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not

valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

**Withdrawal of Requests.** If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

**Alternative Format.** Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The proposed rules may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rules may not be substantially different than these proposed rules. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

**Statement of Need and Reasonableness.** A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. Copies of the statement may be obtained at the cost of reproduction from the agency.

**Lobbyist Registration.** *Minnesota Statutes*, Chapter 10A requires each lobbyist to register with the Ethical Practices Board. Questions regarding this requirement may be directed to the Ethical Practices Board at First Floor, Centennial Office Building, 658 Cedar Street, St. Paul, MN 55155, telephone number 612-296-5148.

**Adoption and Review of Rules.** If no hearing is required, the agency may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Gail Lewellan, Assistant Commissioner for  
Human Resources and Legal Affairs

### **6102.0001 SCOPE AND PURPOSE.**

The scope and purpose of this chapter is to provide regulation of off-highway motorcycles, off-road vehicles, and all-terrain vehicles pursuant to *Minnesota Statutes*, sections 84.787 to 84.796, 84.797 to 84.805, and 84.92 to 84.929.

### **6102.0002 DEFINITIONS.**

Subpart 1. Scope. For the purposes of parts 6102.0002 to 6102.0080, the terms defined in this part have the meanings given them.

Subp. 2. ATV. "ATV" means an all-terrain vehicle.

Subp. 3. Commissioner. "Commissioner" means the commissioner of natural resources.

Subp. 4. Department. "Department" means the Department of Natural Resources.

Subp. 5. OHM. "OHM" means an off-highway motorcycle.

Subp. 6. ORV. "ORV" means an off-road vehicle.

Subp. 7. Vehicle. "Vehicle" means an OHM, ORV, or ATV.

### **6102.0010 ALL-TERRAIN VEHICLE REGISTRATION AND DISPLAY OF NUMBERS.**

Subpart 1. Application. Application for all-terrain vehicle (ATV) registration must ~~shall~~ be made to the commissioner of ~~natural resources~~ or authorized agent ~~on the form in the format~~ prescribed by the commissioner. Applicants must be 18 years of age or older before applying for registration of an ATV. Upon ~~presentation of a bill of sale and~~ payment of the ~~required fee, an~~ ATV as required by *Minnesota Statutes*, sections 84.788, 84.798, and 84.922, a registration certificate will ~~will~~ shall be issued. ~~Public use~~ Registration certificates ~~are is~~ valid for up to three years beginning January 1 of the year in which the ~~machine~~ vehicle is regis-

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## Proposed Rules

tered. Private use ATV registration certificates and decals are valid until ownership is transferred. Private use decals must be a unique color from that used for public use decals as prescribed by Minnesota Statutes, section 84.922, subdivision 2a.

Subp. 2. **Required information.** The applicant shall furnish all the information completely and accurately as required by the application for ATV registration.

Subp. 3. **Attachment Display of number and decals.** The public use current ATV and OHM registration number of the ATV, shown on the registration certificate, along with the validation decal, must be attached to the ATV. The required registration number numbers and decal must be displayed on a plate not less than four inches high and 7-1/2 inches wide, which is clearly visible on the back of the machine vehicle, at least 12 inches from the ground, and must be maintained in a clear, legible manner. The decal for public use must be displayed in the upper-left section of the plate and the private use decal must be displayed in the upper-right section of the plate. ATVs registered only for private use must only display the validation decal. The plate, registration numbers, and registration decal must be maintained in a clear and legible condition.

ATVs registered for private use as prescribed by Minnesota Statutes, section 84.922, subdivision 2a, must display the private use decal in the upper-right section of the plate. If registered only for private use, no numbers need be displayed.

OHMs licensed under Minnesota Statutes, chapter 168, for highway use must display the OHM decal in the upper-left section of the license plate issued by the Department of Public Safety, Division of Motor Vehicles.

Subp. 4. **Description of decal and number.** All letters and numbers required to be displayed must be of a color that will contrast with the surface to which applied, and shall be:

A. at least 1-1/2 inches high and one-fourth 3/16 inch stroke. The private use registration number assigned by the commissioner of natural resources must be imprinted on the validation decal, but the registration number does not need to be displayed separately on the plate;

B. in English language characters placed to read from left to right; and

C. in a color that contrasts with the background to which they are applied.

Subp. 5. **Lost or destroyed number or decal Replacement card, numbers, decals.** A replacement registration card shall be issued upon application by the owner to the commissioner in the format provided and upon payment of the fee as required by Minnesota Statutes, sections 84.788, subdivision 4; 84.798, subdivision 5; and 84.922, subdivision 3. A replacement registration decal may be obtained from the department's license bureau, or any conservation officer. When any previously affixed registration number or decal is lost or destroyed, a duplicate replacement shall be affixed in the same manner as the original. The registration number for public use registration remains the same if renewed within one calendar year of the expiration date.

Subp. 6. [See repealer.]

Subp. 7. **Reporting of abandoned, stolen, or destroyed ATV vehicles.** An A vehicle registered under this part that is abandoned, stolen, or destroyed ATV must be reported to the commissioner within 15 days by completing the reverse side of the registration certificate completely and accurately. A fee is not charged for the reporting.

### 6102.0020 DEALER'S AND MANUFACTURER'S REGISTRATION.

Subpart 1. **Demonstration or testing purposes.** Application for registration of all ATVs vehicles owned by a dealer and operated for demonstration or testing purposes within this state must shall be made on the prescribed form to the commissioner of natural resources to the commissioner in the format prescribed by the commissioner. ~~On~~ Upon payment of the fee as required by law, three Minnesota Statutes, sections 84.788, subdivision 6; 84.798, subdivision 6; and 84.922, subdivision 5, a registration plates will certificate and one registration plate shall be issued; ~~together with a.~~ The registration certificate which must shall be conspicuously displayed by the dealer in the dealer's place of business.

Subp. 2. **Research, experimentation, or demonstration purposes.** Application for registration of all ATVs vehicles owned by a manufacturer and operated for research testing, experimentation, or demonstration purposes must shall be made to the commissioner ~~on the prescribed form~~ in the format prescribed by the commissioner. ~~On~~ Upon payment of the fee as required by Minnesota Statutes, sections 84.788, subdivision 6; 84.798, subdivision 6; and 84.922, subdivision 5, ~~12~~ a registration plates will certificate and one registration plate shall be issued; ~~together with a.~~ The registration certificate which must shall be conspicuously displayed by the manufacturer in the manufacturer's place of business.

Subp. 2a. **Duplicate registration plates.** A duplicate registration plate may be purchased by a registered dealer or registered manufacturer upon payment of the fee as required by Minnesota Statutes, sections 84.788, subdivision 6; 84.798, subdivision 6; and 84.922, subdivision 5.

Subp. 3. **Display required.** A dealer or manufacturer may not operate or permit to be operated within this state any ATV vehicle owned by or under the control of a dealer or manufacturer unless a valid registration plate is clearly displayed on the ATV vehicle in the manner prescribed by part 6102.0010, subpart 3.

**6102.0030 SPECIAL OPERATING PERMITS.**

**Subpart 1. Issuance.** ~~On~~ Upon written application by the responsible event sponsor to the commissioner of ~~natural resources~~, special operating permits for limited periods of time not to exceed 30 days may be issued to operators of ~~ATVs~~ vehicles from states that do not require registration when the ~~ATVs~~ special operating permits are to be used in connection with ~~an~~ a responsibly organized group outing, trail ride, race, rally, or other promotional event. The permit ~~must~~ shall be in a ~~form~~ the format prescribed by the commissioner; ~~must be conspicuously displayed on the ATV; is valid only when the ATV is used in connection with the event for which the permit was issued; and is valid for only under the period of time shown on terms and conditions specified by the permit.~~ The permit must be carried by the vehicle operator.

**Subp. 2. Commissioner's review.** If a special operating permit is granted with conditions or is denied, the applicant may file with the commissioner, within 30 days of the date of permit issuance or denial, a written request for review. The commissioner shall review the permit application and render a decision within 15 days of the request for review. If written request for review is not submitted within 30 days, the permit decision becomes final.

**6102.0040 REQUIRED EQUIPMENT.**

**Subpart 1. ~~All-terrain vehicles~~ Vehicle.** ~~An ATV may~~ A vehicle shall not be operated on public lands, waters, and trails or on public streets and highways which are open to ~~ATV~~ vehicle use unless equipped with: according to items A to E.

A. When operating during hours of darkness; ~~an ATV or~~ reduced visibility, a vehicle must have at least one headlamp in operation, having a minimum candlepower of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead under normal atmospheric conditions. The headlamp must be so aimed that glaring rays are not projected into the eyes of oncoming vehicle operators.

B. When operating during hours of darkness or reduced visibility, ~~an ATV~~ a vehicle must have at least one red tail lamp in operation, having a minimum candlepower of sufficient intensity to exhibit a red light, plainly visible from a distance of 500 feet to the rear under normal atmospheric conditions.

C. A vehicle must have brakes adequate to control the movement of, ~~and~~ to stop, and to hold the ~~ATV~~ vehicle under normal operating conditions.

D. A vehicle must have a throttle so designed that when pressure used to advance the throttle is removed, the engine will immediately and automatically return to idle.

E. An ORV must have a seat belt for each human occupant. All human occupants must wear seat belts when the vehicle is in operation.

**Subp. 2. Sled, trailer, or device towed by ~~ATV~~ a vehicle.** A sled, trailer, or other device being towed by ~~an ATV~~ a vehicle must be equipped with a straight arm bar if the sled, trailer, or other device being towed by a vehicle contains one or more human passengers, except that a disabled vehicle being towed by any means may contain one human passenger if necessary to steer the vehicle. During the hours of darkness under normal atmospheric conditions the device being towed must also be equipped as follows: according to items A and B.

A. Unobstructed and visible reflective material of at least 16 square inches must be mounted on each side and at the rear of the sled, trailer, or device.

B. The reflection material required must have at least the minimum intensity values prescribed in Table II of the Federal Specifications L-S-300C, dated March 29, ~~1979~~ 1977, Code of Federal Regulations, title 49, chapter V, section 571.108, S5.7.2, or be in accordance with Reflex Reflectors, Society of Automotive Engineers, SAE J594F, which are incorporated by reference, are not subject to frequent change, and are ~~universally~~ available through the Minitex interlibrary loan system. The manufacturer's trade name, or other decorative material, if meeting minimum reflectorization standards, may be included in computing the required 16 square inch area.

**Subp. 3. Maker's permanent identification number.** All ATVs made after January 1, 1995, and ~~OHMs made after January 1, 1994,~~ that are sold in this state must bear the maker's permanent identification number ~~so placed and of such size as follows.~~ All ATVs and OHMs so manufactured shall bear an individual number that is not duplicated by that maker at any time within the succeeding ten years. The maker's permanent identification number must:

A. ~~shall~~ be permanently stamped into the steering head or on a frame member on the forward half of the vehicle;

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## Proposed Rules

B. have a height of numerals and letters of not less than four millimeters in height, and in English language characters placed to read from left to right; and

C. be readable without removing any part of the vehicle.

Each ATV so manufactured must bear an individual number that must not be duplicated by that maker at any time within the succeeding ten years.

### Subp. 4. Mufflers.

A. No person may not shall operate an ATV a vehicle unless it is equipped with a functioning spark arrestor type muffler as required by Minnesota Statutes and/or equipped with a United States Forest Service approved spark arrestor or combination thereof muffler having a spark arrestor approved by the United States Forest Service as described by Code of Federal Regulations, title 36, chapter II, section 261.52, paragraph (j).

An ATV manufactured after January 1, 1994, except an ATV designed for competition purposes only, may

B. Vehicles shall not be sold, offered for sale, or operated in this state unless it is so equipped so that overall noise emission does not exceed a sound level limitation of not more than 99 decibels on the A scale from a distance of 20 inches using test procedures and instrumentation as set forth in the Society of Automotive Engineers' Standard, SAE J1287, June 1988, or equivalent noise at other distances.

C. No noise suppressing system or muffler shall be equipped with a cutout, bypass, or similar device and no person shall modify or alter that system or its operation in any manner which will amplify or increase the noise emitted by the ATV's vehicle's motor to exceed the noise limits established in this subpart, except for organized events as authorized by Minnesota Statutes, section sections 84.795, subdivision 7; 84.804, subdivision 5; and 84.928, subdivision 5.

### 6102.0050 PUBLIC LANDS, WATERS, TRAILS, AND ROADWAYS.

Subpart 1. **Traffic control.** To control traffic on public lands, waters, and trails, all ATV vehicle operators must comply with items A to G.

A. Trail Signs posted by the department must be obeyed. Signs shall be posted when necessary and desirable to control, direct, or regulate the operation and use of a vehicle, or to protect natural resources or public safety. Signs may also be posted restricting access to certain areas.

[For text of items B to F, see M.R.]

G. Trail users shall yield to nonmotorized trail users and shall shut off their machines vehicles when meeting a horse until the horse has passed or until waved on by the rider or driver of the horse.

Subp. 2. **Operation of ATV's vehicles.** It is unlawful on any public lands, waters, trails, or public road rights-of-way open for ATV vehicle use for any person to drive or operate an ATV a vehicle in any of the following ways:

A. At a speed greater than is reasonable or proper under all of the surrounding circumstances or greater than the posted speed limit. When necessary, the commissioner of natural resources may establish and post at reasonable intervals a reasonable and safe maximum speed limit for the operation of ATV's a vehicle along a specific portion of the trail or in areas under the commissioner's jurisdiction. The speed limit is effective when signs are erected and any operation of an ATV a vehicle within the posted portion of the trail or area in excess of the posted speed limit is unlawful.

The speed limit may be waived in writing by the commissioner of natural resources for an organized race or similar competitive event held upon lands, waters, or trails under the jurisdiction of the commissioner.

B. Without a lighted headlamp and tail lamp when operated at night or during reduced visibility.

Subp. 3. **Regulations by governmental subdivisions.** Governmental subdivisions may, by ordinance, regulate the operation of ATV's a vehicle on public waters within their boundaries, provided the ordinance is approved by the commissioner of natural resources and is not inconsistent with law or rule. An ordinance affecting ATV vehicle use on public waters is not valid with respect to such action unless first submitted to the commissioner of natural resources and approved in writing.

Subp. 4. [See repealer.]

### 6102.0060 UNIFORM SIGNS.

Subpart 1. **In general.** The department shall post signs in this part are designated as when necessary and desirable to control, direct, or regulate the operation and use of ATVs for the purposes indicated vehicles, or to protect natural resources or public safety. The department may post signs restricting access to certain areas. Specifications for signs used by the state or any of its subdivisions shall be pursuant to the department sign manual. Detailed plans and specifications for signs are available upon request to the commissioner.

- Subp. 2. [See repealer.]
- Subp. 3. [See repealer.]
- Subp. 4. [See repealer.]
- Subp. 5. [See repealer.]
- Subp. 6. [See repealer.]
- Subp. 7. [See repealer.]
- Subp. 8. [See repealer.]
- Subp. 9. [See repealer.]

**6102.0070 EDUCATION AND TRAINING PROGRAMS FOR ATV AND OHM.**

Subpart 1. Administration. The education and training program shall be administered by the safety coordinator, Enforcement Division, Department of Natural Resources.

Subp. 2. Course content. The course content shall include the following:

- A. machine nomenclature;
- B. control familiarization;
- C. machine safety features;
- D. operating procedures;
- E. OHM and ATV laws and rules;
- F. loading and towing procedures;
- G. OHM and ATV code of ethics;
- H. safety hazards of operation including possible hearing damage;
- I. environmental consequences of OHM and ATV use; and
- J. written tests.

Subp. 3. Safety certificate. Upon successful completion of the training program, a student may submit the student's name, address, and date of birth to the safety coordinator who shall issue to the student, on behalf of the commissioner, a safety certificate. A duplicate certificate shall be issued if the original is lost or destroyed, upon application and payment of the current issuance fee. Each safety certificate issued shall show on its face the name and birth date of the person to whom it was issued.

**6102.0080 OFFICIAL USE AND VARIANCE.**

The requirements of parts 6102.0010 to 6102.0050 do not apply to a licensed peace officer or an employee or agent of the department while engaged in the performance of official duties. In addition, the commissioner may grant a variance from the requirements of parts 6102.0010 to 6102.0050 when the commissioner considers it necessary for maintenance, conservation, or public safety purposes.

**REPEALER.** Minnesota Rules, parts 6102.0010, subpart 6; 6102.0050, subpart 4; and 6102.0060, subparts 2, 3, 4, 5, 6, 7, 8, and 9, are repealed.

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## Proposed Rules

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### Department of Public Safety

#### Private Detective and Protective Agent Services Board

#### Proposed Permanent Rules Relating to Private Detectives and Protective Agents

#### DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received

Proposed Adoption of Amendments to the Board of Private Detective and Protective Agent Services Rules Governing Training, *Minnesota Rules*, Chapter 7506.

**Introduction.** The Private Detective and Protective Agent Services Board intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by 4:30 p.m. on April 30, 1997, a public hearing will be held in conference room D, Veterans Service Building, 20 W. 12th Street, St. Paul, Minnesota 55155, starting at 9:00 am on May 20, 1997. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after April 30, 1997, and before May 20, 1997.

**Agency Contact Person.** Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Valerie Jensen, Rules Coordinator, MN Dept of Public Safety, 445 Minnesota Street, Suite 1000, St. Paul, MN 55101-2156, (612) 296-2906. TTY users may call the Department of Public Safety at (612) 282-6555.

**Subject of Rules and Statutory Authority.** The proposed rules are about training for private detectives and protective agents. The statutory authority to adopt the rules is *Minnesota Statutes*, section 326.3361. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. on Wednesday, April 30, 1997, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on April 30, 1997. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

**Withdrawal of Requests.** If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

**Alternative Format/Accommodation.** Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the agency or presented at the hearing and the adopted rules may not be substantially different than these proposed rules. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

**Cancellation of Hearing.** The hearing scheduled for May 20, 1997, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at 612/296-2906 after April 30, 1997, to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Barbara L. Neilson

is assigned to conduct the hearing. Judge Barbara L. Neilson can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone 612/341-7604, and fax 612/349-2665.

**Hearing Procedure.** If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day response period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day response period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment or response period also submit a copy of the written views or data to the agency contact person at the address stated above.

**Statement of Need and Reasonableness.** A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The statement may also be reviewed and copies obtained at the cost of reproduction from either the agency or the Office of Administrative Hearings.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Ethical Practices Board. Questions regarding this requirement may be directed to the Ethical Practices Board at: First Floor South, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 612/296-5148 or 1-800-657-3889.

**Adoption Procedure if No Hearing.** If no hearing is required, the Board may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

**Adoption Procedure After a Hearing.** If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date when the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the agency adopts the rules and files them with the Secretary of State, and can make this request at the hearing or in writing to the agency contact person stated above.

**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

Dated: 14 March 1997

Marie Ohman  
Executive Director, Private Detective and  
Protective Agent Services Board

#### 7506.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of ~~parts 7506.0100 to 7506.0180~~ this chapter, the following terms have the meanings given them in this part.

[For text of subp 2, see M.R.]

**Subp. 2a. Employee.** "Employee" means a private detective or protective agent who is employed by a license holder, who is under the license holder's direction and control, and who carries out or supervises licensable activities.

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## Proposed Rules

Subp. 2b. Equivalent training. "Equivalent training" means other continuing education training the board finds acceptable upon review.

[For text of subp 3, see M.R.]

Subp. 3a. Certified training program. "Certified training program" means any training course approved by the board under part 7506.2200.

Subp. 3b. Continuing education. "Continuing education" means mandatory board-certified training directly related to the field of private detective/investigator or protective agent, in which armed licensees and employees must:

A. complete an additional six hours annually of training in the weapons used in the course of employment, including annual certification on the firing range for those who carry a firearm;

B. complete an American Medical Association-certified first aid training course; and

C. provide the board annually with evidence of continuous certification in cardiopulmonary resuscitation (CPR) and first aid.

Subp. 3c. In-house training. "In-house training" means training sponsored by a license holder for members or employees of the holder's company.

[For text of subp 4, see M.R.]

Subp. 5. Preassignment training. "Preassignment training" means a board-certified training course that must be completed by an employee within the first 21 days of employment.

### **7506.2100 PURPOSE.**

The purpose of parts 7506.2100 to 7506.2900 is to establish the minimum requirements for the training of private detectives and protective agents and the standards for board evaluation and certification of training programs to ensure compliance with *Minnesota Statutes, section 326.3361*.

### **7506.2200 BOARD CERTIFICATION OF TRAINING PROGRAMS.**

Subpart 1. Contents of application. A person, business, or school desiring board certification of a training program shall submit an application to the board at least 90 days before commencing the training program. The application for board certification of a training program must be on a form provided or approved by the board and must include:

A. the full name, business address, and telephone number of the applicant; the names and addresses of all additional persons who will be involved in conducting the training; and, if the applicant is a business, however organized, a list of the names, addresses, and telephone numbers of each owner, partner, manager, and officer;

B. a description of the course work that the program will offer, with satisfactory proof that the program:

(1) will offer courses meeting the prescribed training objectives approved by the board; and

(2) has reasonable training facilities;

C. the names and resumes outlining the education experience and qualifications of all course instructors employed by the applicant;

D. for courses involving preassignment or weapons training, the policies for the evaluation of students;

E. the location where the training will be held, the dates on which the training will be offered, and the number of training hours, with 50 minutes equaling one training hour, required for each course;

F. other information requested by the board as necessary to determine whether the applicant meets the requirements for a board-certified training program; and

G. the signature of the person submitting the application, verifying that the information in the application is true.

Subp. 2. Program certification. Upon review of a properly filed application, the board shall determine if the training program meets the requirements set out in this chapter and shall notify the applicant in writing of its decision to grant or deny certification. The board shall certify a training program unless there is a reason to deny certification. The board shall deny certification for any of the following reasons:

A. The application or the items filed with the application do not meet the requirements of subpart 1.

B. The course work described does not meet the training objectives approved by the board.

C. The information contained in the application is false or inaccurate.

**Subp. 3. Changes in certified programs.** Any change in the certified training program curriculum, the instructors, the location, the evaluation policies, or the dates of training must be reported to the board in advance of the changes being made, if possible, or within ten working days after a change is made if prior notice is not possible.

**Subp. 4. Periodic review of certification.** Board certification is subject to periodic review by the board or the executive director. A renewal application is required every two years. Certified training programs must be open for audit or on-site inspection by the board or its staff, at the discretion of the board.

**Subp. 5. Denial of certification.** The board shall specify the reasons for denying certification and shall advise the applicant of the right to a hearing on the denial of certification. The board may allow a specified time for correction or explanation of the deficiency.

#### **7506.2300 MINIMUM REQUIREMENTS FOR BOARD-CERTIFIED TRAINING PROGRAMS.**

**Subpart 1. Subject areas.** Consistent with the training objectives approved by the board in the following subject areas, the training for private detectives and protective agents must minimally include:

**A.** firearms training for armed employees, including training in the legal limitations on the justifiable use of force and deadly force as specified in *Minnesota Statutes*, sections 609.06 and 609.065. No license holder, qualified representative, Minnesota manager, partner, or employee may carry or use a weapon without having successfully completed board-certified training;

**B.** training in the use of weapons other than firearms, including at a minimum those weapons listed in *Minnesota Statutes*, section 326.3361, subdivision 1, clause (2);

**C.** training in alternatives to the use of force;

**D.** standards for weapons and equipment issued, carried, or used by license holders, qualified representatives, Minnesota managers, partners, and employees;

**E.** first aid training;

**F.** preassignment or on-the-job training, in the subject areas set out in part 7506.2600; and

**G.** continuing training for license holders and employees.

**Subp. 2. Training objectives.** Periodically, the board may issue or amend specific learning objectives applicable to the content of the private detective and protective agent training as outlined in subpart 1. These revisions must be incorporated into any certified training program.

**Subp. 3. Records.** Certified training programs shall maintain the following records for a minimum of three years:

**A.** a record of registration and attendance for all certified training courses including absences for all or any portion of a class period, with attendance records signed by the instructor conducting the training course;

**B.** records of all students who have successfully completed a certified training program and the number of training hours completed;

**C.** the course syllabus for each course taught; and

**D.** current firearms training scores.

Records must be made available to the board immediately upon request of the board or its staff. Students must be provided access to their attendance and course completion records upon request.

**Subp. 4. Minimum requirements.** Certified training programs must comply with subpart 1 and furnish reasonable and necessary proof to the board to verify that compliance. All records listed in subpart 3 must be submitted to the board annually. Certified training programs shall file with the board all additional information that the board requires and cooperate with any board investigation relative to its certification status. Nothing in parts 7506.2100 to 7506.2900 precludes any certified training program from offering training that goes beyond the minimum requirements of subpart 1. To be certified, in-house training must:

**A.** make at least 25 percent of the space available to participants who are not members or employees of the company; and

**B.** advertise to persons outside the company to ensure a reasonable opportunity to attend the training, in addition to the regular certification requirements.

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

## Proposed Rules

The price charged per person for the participants outside the company must bear a reasonable relationship to the cost per person per course.

Subp. 5. Firearms instructors. Firearms instructors must be currently certified as a law enforcement or private security firearms instructor by the Federal Bureau of Investigation, the National Rifle Association, or other nationally recognized certifying organization approved by the board.

Subp. 6. First aid. First aid instructors must have completed training certified by the American Medical Association.

### **7506.2500 REVOCATION OR SUSPENSION OF CERTIFICATION STATUS.**

Subpart 1. Disciplinary action. The board shall impose disciplinary sanctions against a certified training program that fails to comply with any of the requirements set out in this chapter and in *Minnesota Statutes*, sections 326.32 to 326.339.

Subp. 2. Sanctions. Sanctions for failure to comply with the requirements set out in this chapter may be one or more of the following:

- A. a letter of censure to the certified training program;
- B. formal or informal probation for the certified training program; and
- C. suspension, revocation, or nonrenewal of board certification of the training program.

The board shall consider the factors listed in part 7506.0170, subpart 2, to determine which sanction to apply in each case.

Subp. 3. Grounds for revocation or suspension of certification. The board may suspend or revoke the certification status of a training program for good cause and upon written notification. The notification must contain the reasons for suspension or revocation. These reasons may include:

- A. using curricula that fails to comply with board-approved learning objectives;
- B. using false information in any application or other document submitted to the board;
- C. failing to make a timely report as required by this chapter;
- D. failing to maintain or submit records as required by this chapter;
- E. failing to cooperate fully with the board in its efforts to ensure compliance with a requirement of this chapter; or
- E. violating a provision of this chapter or *Minnesota Statutes*, sections 326.32 to 326.339.

Subp. 4. Disciplinary proceedings. Revocation or suspension proceedings under this part must be conducted pursuant to the Administrative Procedure Act, *Minnesota Statutes*, sections 14.57 to 14.62, and the rules of the Office of Administrative Hearings, parts 1400.5100 to 1400.8400.

Other disciplinary proceedings must be held before a hearing examiner appointed by the commissioner of public safety.

### **7506.2600 PREASSIGNMENT OR ON-THE-JOB TRAINING REQUIREMENTS.**

Subpart 1. License requirement. A person employed as a private detective or protective agent must spend a minimum of 12 hours in preassignment training within the first 21 days of employment. An individual who leaves the profession for three years or longer and returns to employment as a private detective or protective agent must repeat the preassignment training.

Subp. 2. Exemption. A person who submits satisfactory proof to the board of actively working full time or part time as a private detective or protective agent or who has a Minnesota license or applies for a Minnesota license before July 1, 1998, is eligible for exemption from the preassignment training requirement.

Subp. 3. Subject areas for protective agents. Preassignment training for protective agents must minimally include training in the following subject areas:

- A. security overview;
- B. legal authority and liability issues;
- C. communications;
- D. ethics;
- E. incident/situation assessment and emergency response; and
- E. Minnesota private detective and protective agent statutes and administrative rules.

Subp. 4. Subject areas for private detectives. Preassignment training for private detectives must minimally include training in the following subject areas:

- A. private detective/investigator overview;

- B. legal authority and liability issues;
- C. communication;
- D. rights of privacy, invasion of privacy, and data privacy;
- E. situational assessment;
- F. ethics; and
- G. Minnesota private detective and protective agent statutes and administrative rules.

Subp. 5. Certificate of completion. At the conclusion of each certified training course, the instructor shall provide each student who has successfully completed training with evidence of completion, showing the subject area covered by each course completed and the number of hours completed.

#### **7506.2700 CONTINUING EDUCATION REQUIREMENTS.**

Subpart 1. License renewal. Each private detective and protective agent, as well as license holders, qualified representatives, Minnesota managers, or partners, shall complete six hours of training in board-certified continuing training programs annually. At the time of license renewal, license holders shall submit to the board an affidavit listing all employees and attesting to the fact that they have met all training requirements. A private detective or protective agent license must not be renewed without written proof that all employees have met all training requirements.

Subp. 2. Continuing education. Continuing training must pertain to board-approved subject areas and learning objectives and to licensed private detective or protective agent work to the satisfaction of the board.

Subp. 3. Equivalent training. A particular subject area in subpart 1 may be waived by the board upon satisfactory evidence of approved, equivalent training.

Subp. 4. Certificate of completion. At the conclusion of each certified training course, each student who has successfully completed training must be provided by the presenting instructor or person administering the course with evidence of completion, showing the subject area covered by each course completed and the number of hours completed.

Subp. 5. Teaching credit. Continuing education credit awarded to presenting instructors for teaching in a certified course must be equivalent to the amount of time spent in preparing for and teaching the course.

#### **7506.2900 FAILURE TO SATISFY TRAINING REQUIREMENTS.**

A license holder who fails to complete the minimum educational or reporting requirements to the satisfaction of the board is subject to the contingent or lapsed license provisions in part 7506.0130.

**REPEALER.** Minnesota Rules, part 7506.0120, is repealed.

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## Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

### Exempt Rules

An exempt rule adopted under *Minnesota Statutes* §§ 14.386 or 14.388 is effective upon its publication in the *State Register*.

### Emergency Expedited Rules

Provisions for the Commissioner of Natural Resources to adopt emergency expedited Game and Fish Rules are specified in *Minnesota Statutes* §§ 84.027. The commissioner may adopt emergency expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Emergency expedited rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Emergency expedited rules are effective for the period stated or up to 18 months.

## Department of Health

### Adopted Permanent Rules Relating to Cancer Case Reporting

The rules proposed and published at *State Register*, Volume 21, Number 22, pages 746-748, November 25, 1996 (21 SR 746), are adopted as proposed.

## Department of Natural Resources

### Adopted Permanent Rules Governing Aquatic Nuisance Control

The rules proposed and published at *State Register*, Volume 20, Number 26, pages 1780-1787, December 26, 1995 (20 SR 1780); and Volume 21, Number 9, pages 268-271, August 26, 1996 (21 SR 268), are adopted with the following modifications:

#### 6280.0250 STANDARDS FOR AQUATIC PLANT MANAGEMENT PERMIT ISSUANCE.

Subpart 1. **Actions not requiring permit.** Unless otherwise required in subpart 2, an APM permit is not required for items A to F:

C. cutting or pulling submerged aquatic macrophytes in order to maintain a site for swimming or boat docking not to extend along more than 50 feet of the owner's shoreline or one-half the length of the owner's total shoreline, whichever is less, and that does not exceed 2,500 square feet in area, except that a boat channel extending to open water, not to exceed 15 feet in width, may be maintained. The boating channel is included in the maximum shoreline feet allowed. Cutting or pulling may only be done under the following conditions:

(1) by hand or with power-operated cutters, rakes, or similar equipment that does not significantly alter the course, current, or cross-section of the lake bottom. Draglines, bulldozers, hydraulic jets, suction dredges, automated untended aquatic plant control ~~services~~ devices, or other power-operated earth-moving equipment may not be used;

Subp. 2. **Actions requiring a permit.** Except as provided in subpart 1, an APM permit is required to:

E. install ~~and~~ or operate an automated untended aquatic plant control device for each property where the device is intended for operation, except that a permit of three years' duration may be issued when:

(1) the site to be controlled extends along no more than 50 feet of the owner's shoreline or one-half the length of the owner's total shoreline, whichever is less, and the site does not exceed 2,500 square feet in area; and

(2) the site to be controlled does not contain emergent or floating-leaf aquatic macrophytes; or

Subp. 3. **Justification required for issuance of permits.** Permits for the destruction of emergent and floating-leaf aquatic macrophytes including wild rice, bulrush, cattail, water lilies, and ~~similar~~ other vegetation will not be issued unless the commissioner determines sufficient justification exists. The commissioner will balance the reasonable needs of riparian owners to gain access and use public water against the need to protect emergent and floating-leaf aquatic macrophytes so that the integrity and value of the aquatic macrophyte community is maintained.

**6280.0450 PERMIT APPLICATION, FEES, AND ANNUAL REPORT.**

Subp. 4. **APM permit application fees.** Items A to C apply to APM permit fees.

A. When application is made to control two or more nuisance conditions, only the larger fee applies. A permit application fee, in the form of a check or money order payable to the Minnesota Department of Natural Resources, must accompany each permit application when required by the following fee schedule:

(1) to control aquatic macrophytes by pesticide means, to install and operate an automatic untended aquatic plant control device, or to control emergent or floating-leaf aquatic macrophytes by mechanical means: \$20 for each contiguous parcel of shoreline owned by an owner, up to a maximum of \$200;

(2) to control ~~emergent aquatic macrophytes, or to control submerged or floating-leaf~~ aquatic macrophytes in an area larger than 2,500 square feet, by mechanical means: \$20 for the first acre or portion of an acre and \$2 for each additional acre or portion of an acre to be controlled, up to a maximum of \$200;

**6280.1100 REVIEW AND APPEAL OF PERMIT DECISION.**

Subpart 1. **Commissioner's review.** If an APM permit is granted with conditions or is denied, the applicant may file with the commissioner, ~~within 30 days of the date of permit issuance or denial,~~ a written request for review. The commissioner shall review the permit application and render a decision within 15 days of the request for review. ~~If written request for review is not submitted within 30 days, the permit decision becomes final and no further appeal is allowed.~~

Subp. 2. **Contested case hearing.** If the applicant wishes to appeal the decision of the commissioner after review under subpart 1, the applicant may file with the commissioner, ~~within 30 days of the commissioner's decision,~~ a written request for a contested case hearing under *Minnesota Statutes*, chapter 14. ~~If written request for a contested case hearing is not submitted within 30 days, the permit decision becomes final.~~

## Minnesota Racing Commission

### Adopted Permanent Rules Regulating Trifecta Wagering and Claiming Races

The rules proposed and published at *State Register*, Volume 21, Number 29, pages 977-979, January 13, 1997 (21 SR 977), are adopted as proposed.

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

# Official Notices

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Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rule-making proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

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## Department of Administration

Communications Media Division

*State Register*

*Minnesota Guidebook to State Agency Services*

### Notice of Availability of *State Register* by Subscription on Internet, and Publication of the *Minnesota Guidebook to State Agency Services* in print and CDROM versions

NOTICE IS HEREBY GIVEN that the *State Register* is now available by subscription on the Internet. Details have been placed in a special ad on the inside back cover of this issue of the *State Register*.

Also on the Internet, free of charge, is the *State Register* "Table of Contents" for the current issue, and back issues. The Internet web site is <http://www.comm.media.state.mn.us>

NOTICE IS FURTHER GIVEN of the publication of the *Minnesota Guidebook to State Agency Services* 1996-1999 in these printed formats: spiral-bound and looseleaf (\$29.95 + tax), as well as on CDROM with Folio™ search engine for quick retrieval (\$59.95 single user). The CDROM version is also available for small networks (2-10 users) for \$235.95; and large networks (11-unlimited) for \$999.95. Various combinations of the printed format in combination with the CDROM version are available. Call Minnesota's Bookstore to order, or for more details: (612) 297-3000; or toll-free at 800-657-3757.

## Department of Agriculture

Agronomy and Plant Protection Division

### Request for Comments on Planned Amendments to Rules Governing Hybrid Seed Corn Labels, *Minnesota Rules*, part 1510.0111

**Subject of the Rule.** The Minnesota Department of Agriculture requests comments on its planned amendments to rules governing hybrid seed corn labels. The department is considering amendments that remove the requirement for indicating on the seed label the Minnesota relative maturity rating in a single five day increment and replace it with a rating that must be accurate within three days of the actual maturity as determined in comparative testing done by the Minnesota Agricultural Experiment Station.

**Persons Affected.** The amendments would likely affect companies that label and advertise hybrid seed corn varieties for sale in Minnesota. The department does not contemplate appointing an advisory committee to comment on the planned amendments.

**Statutory Authority.** *Minnesota Statutes*, section 21.85, subd. 11 allows the commissioner to make rules necessary to enforce *Minnesota Statutes*, section 21.80 to 21.92.

**Public Comment.** Interested persons or groups may submit comments or information on the planned amendments in writing or orally until 4:30 p.m. on April 30, 1997. The department has prepared a draft of the planned amendments. Written or oral comments, questions, requests to receive a draft proposed amendments, and requests for more information on the planned amendments should be addressed to: Chuck Dale, Seed and Weed Unit Supervisor, Minnesota Department of Agriculture, 90 W. Plato Blvd., St. Paul, MN 55107; Phone 612/296-6123, Fax 612/297-2271. TDD users may call the Department of Agriculture through Minnesota Relay Service at 612/297-5353, or outside the twin cities at 1-800/627-3529.

Comments submitted in response to this notice will not be included in the formal rulemaking record when a proceeding to adopt a rule is started.

Dated: 21 March 1997

Sharon Clark  
Deputy Commissioner

## **Board of Animal Health**

### **Notice of Quarterly Meeting of the Board of Animal Health**

The Board of Animal Health quarterly meeting will be Wednesday, April 30, 1997. The meeting will convene at 9:30 a.m. in conference room 1 at the Board offices, 90 West Plato Blvd., St. Paul, Minnesota.

## **Minnesota Comprehensive Health Association**

### **Notice of Meeting of the Nominating Committee**

**NOTICE IS HEREBY GIVEN** that a meeting of the Minnesota Comprehensive Health Association's (MCHA), Nominating Committee will be held at 8:00 a.m. on Friday, April 4, 1997. The meeting will be at the Minnesota Comprehensive Health Association executive office, 5775 Wayzata Boulevard, St. Louis Park, in suite 910. For additional information, please call Lynn Gruber at (612) 593-9609.

## **Department of Human Services**

### **Notice of Position Available for a Consumer Representative on the Minnesota Drug Utilization Review Board**

The Minnesota Drug Utilization Review Board, an advisory body to the Minnesota Department of Human Services' Drug Utilization Review Program, is seeking a candidate to fill the board position of consumer representative. The person seeking this position will have an interest in monitoring the quality of health care issues, relating to the prescribing, dispensing and use of pharmaceutical products to recipients of Medicaid and General Assistance, Medical Care, from a consumer point of view. This is a voluntary board, established by the legislature and mandated under the Federal Omnibus Reconciliation Act of 1990, to act in an advisory capacity to the Minnesota Drug Utilization Review Program. Appointments are made by the Commissioner of the Minnesota Department of Human Services. Term of this appointment is three years. Information concerning this position may be obtained by calling Nancy Parenteau, RPh., Coordinator of the Minnesota Drug Utilization Review Program, at (612) 282-9920. Applicants seeking this position may send a letter of qualification to Nancy Parenteau, at the Minnesota Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3865, by May 1, 1997.

## **Department of Human Services**

### **Notice of Position Available for a Health Care Professional on the Minnesota Drug Utilization Review Board**

The Minnesota Drug Utilization Review Board, is seeking a health care professional, to fill an open position on it board. This person must be licensed in his/her field, with recognized knowledge in the clinically appropriate prescribing, dispensing and monitoring of outpatient drugs. This board, established by the legislature and mandated under the Federal Omnibus Reconciliation Act of 1990, is voluntary and acts in an advisory capacity to the Minnesota Department of Human Services, Drug Utilization Review Program. Appointments are made by the Commissioner of the Minnesota Department of Human Services. Term of this appointment is three years. Information regarding this position may be obtained by calling Nancy Parenteau, RPh., Coordinator, Minnesota Drug Utilization Review Program, at (612) 282-9920. Applicants seeking this position may send a letter of qualification to Nancy Parenteau, at the Minnesota Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3865, by May 1, 1997.

## Higher Education Facilities Authority

### Notice of Public Hearing on Revenue Obligations on Behalf of Carleton College

**NOTICE IS HEREBY GIVEN** that a public hearing will be held by the Minnesota Higher Education Facilities Authority (the "Authority") with respect to a proposal to issue revenue bonds or other obligations on behalf of Carleton College, a Minnesota non-profit corporation (the "College"), as owner and operator of Carleton College, an institution of higher education, in the Phalen Room of the Radisson Inn, 411 Minnesota Street, St. Paul, Minnesota 55101 on April 16, 1997 at 3:00 p.m. Under the proposal, the Authority would issue its revenue bonds or other obligations in an original aggregate principal amount of up to approximately \$27,300,000 to finance (a) the construction, furnishing and equipping of an approximately 80,000 square foot recreation center and related site improvements, including athletic fields, surface parking areas and restoration of Lyman Lake (the "Recreation Center"), (b) the construction, furnishing and equipping of an approximately 15,000 square foot student dining hall (the "Dining Hall"), (c) renovation of Mudd Hall for chemistry and geology (the "Mudd Renovation"), (d) renovation of Goodhue Dining Hall for recreational use (the "Goodhue Renovation"), (e) renovation of Evans Dining Hall for housing and social use (the "Evans Renovation"), (f) acquisition and installation of chiller and related piping system (the "Chiller") and (g) acquisition and installation of computer system for administrative and bookstore use (the "Computer System") (collectively, the "Project"), owned or to be owned and operated by the College and located on its main campus, the principal street address of which is One North College Street, Northfield, Minnesota 55057.

At said time and place the Authority shall give all parties who appear or have submitted written comments an opportunity to express their views with respect to the proposal to undertake and finance the Project.

Dated: 31 March 1997

By Order Of The Minnesota Higher  
Education Facilities Authority  
J. Luther Anderson  
Executive Director

## Higher Education Facilities Authority

### Notice of Public Hearing on Revenue Obligations on Behalf of the University of St. Thomas

**NOTICE IS HEREBY GIVEN** that a public hearing will be held by the Minnesota Higher Education Facilities Authority (the "Authority") with respect to a proposal to issue revenue bonds or other obligations on behalf of the University of St. Thomas, a Minnesota nonprofit corporation (the "University"), as owner and operator of University of St. Thomas, an institution of higher education, in the Phalen Room of the Radisson Inn, 411 Minnesota Street, St. Paul, Minnesota 55101 on April 16, 1997 at 3:00 p.m. Under the proposal, the Authority would issue its revenue bonds or other obligations in an original aggregate principal amount of up to approximately \$27,850,000 to finance (a) the construction, furnishing and equipping of a residence hall for approximately 350 beds (the "Residence Hall"), (b) the construction, furnishing and equipping of an approximately 350 stall parking ramp beneath the Residence Hall (the "Ramp"), (c) the construction, furnishing and equipping of a commons building connecting Brady Hall and Dowling Hall for administrative and office space and recreational facilities and related improvements to connecting areas of Brady and Dowling Halls ("Commons Building"), and (d) construction of a skyway between the Commons Building and Residence Hall ("Skyway") and related site improvements (collectively, the "Project"), owned or to be owned and operated by the University and located on its main campus, the principal street address of which is 2115 Summit Avenue, St. Paul, Minnesota 55105-1096.

At said time and place the Authority shall give all parties who appear or have submitted written comments an opportunity to express their views with respect to the proposal to undertake and finance the Project.

Dated: 31 March 1997

By Order Of The Minnesota Higher  
Education Facilities Authority  
J. Luther Anderson  
Executive Director

**Department of Labor and Industry****Labor Standards Division****Notice of Prevailing Wage Certifications for Commercial Construction Projects**

Effective March 31, 1997 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

**Anoka:** Goodrich Field Stadium and Concession Building. 96111-Anoka; Fridley Middle School and Senior High Schools 1997 Masonry Wall Repair. 200218.001-Fridley; Hayes and Stevenson Elementary Schools Fridley Community Education Center 1997 Masonry Wall Repair. 200030.001-Fridley.

**Beltrami:** Oak Hall Commons Window and Door Replacement BSU. SUS-901-D-Bemidji.

**Brown:** New Ulm Public Schools 1997 Asbestos Abatement For Renovations. 4023-0117-New Ulm.

**Dakota:** Hastings Armory Renovation of Kitchen. 96813-Hastings; MN/DOT Hastings Truck Station Building Addition and Remodeling. 1121-Hastings; West Saint Paul Ice Arena Renovation and Addition. 96012-West Saint Paul.

**Freeborn:** Alden-Conger Public Schools K-12 Addition and Remodeling-Alden

**Goodhue:** Goodhue Armory Renovation of Kitchen. 96813-Redwing.

**Hennepin:** Fulton School Lead Paint Stabilization Project Phase 2. 1430-Minneapolis; Keewaydin School Asbestos Abatement and Lead Paint Stabilization Project Phase 2. 1432-Minneapolis; Roosevelt High School Asbestos Abatement Project Phase 3. 1431-Minneapolis; Southwest High School Asbestos Abatement Project Phase 4. 1433.-Minneapolis; Sanford Asbestos Abatement and Lead Paint Stabilization Project Phase 2. 1429-Minneapolis; Red Concourse Concessions Addition. 106-2-293-Minneapolis International Airport; Lindberg Terminal Concessions Area Modifications Phase I. 106-2-294-Minneapolis International Airport; HCMC Electrical Upgrade Phase I .0031471-Minneapolis; Bierman Building Elevator Modernization and Repair. 139-97-1113-Minneapolis.

**Kandiyohi:** Kandiyohi Armory Renovation of Kitchen. 97803-Willmar.

**Lyon:** Lyon Armory-Renovation of Kitchen .97803-Marshall.

**Pennington:** Multi-Events Cultural Center. 94-627B-Thief River Falls.

**Pipestone:** Pipestone Armory-Renovation of Kitchen. 97803-Pipestone.

**Polk:** U of M Controlled Environmental Science Center. 9620-Crookston.

**Ramsey:** Minnesota Bookstore 117 University Avenue Remodeling-Saint Paul.

**Rice:** Rogers Building Minnesota Correctional Facility Asbestos Abatement. 97026-Fairibault.

**St. Louis:** Giants Ridge Golf Ski Resort Site Improvements .96-074-Biwabik.

**Stearns:** Rocori Area Schools Communications Cabling. 96088-Cold Spring; Rocori High School Addition and Alteration. 96034-Cold Spring.

**Stevens:** U of M Morris Humanities Fine Arts Renovation. 758-96-1374-Morris.

**Washington:** Forest Lake Public Schools Window and Locker Replacement. 97-06-1106-01-Forest Lake.

Copies of the certified wage rate for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charge for the cost of copying and mailing are \$1.36 per project. Make check or money order payable to the State of Minnesota.

Gary W. Bastian,  
Commissioner

## Metropolitan Airports Commission

### Notice of FAA Approval of Finding of No Significant Impact (FONSI) Concerning Revised Air Traffic Control Procedures in the Egan-Mendota Heights Corridor at Minneapolis-St. Paul International Airport

The Federal Aviation Administration has announced an approved finding of No Significant Impact (FONSI) of the Environmental Assessment for the proposed action at Minneapolis-St. Paul International Airport.

The FONSI indicates the proposed action is consistent with existing environmental policies and objectives as set forth in the National Environmental Policy Act of 1969 and will not significantly affect the quality of the environment.

The proposed action consists of modification of the noise abatement procedures in existing Tower Order MSP AT 7110.4E. The noise abatement procedures are as follows:

Whenever possible, under non-simultaneous conditions;

Aircraft departing Runway 11R will be assigned a heading to maintain an approximate ground track of 105° magnetic (M).

Aircraft departing Runway 11L will be assigned a heading to maintain a ground track along the extended centerline, approximately 118° M.

Copies of the environmental finding and assessment are available for public information review at the following locations:

**Federal Aviation Administration Operations Branch**  
2300 E. Devon Ave., Room 222  
Des Plaines, IL 60018

**City of Egan**  
3830 Pilot Knob Road  
Egan, MN 55122

**Metropolitan Airports Commission**  
6040 28th Ave. S.  
Minneapolis, MN 55450

**City of Mendota Heights**  
1101 Victoria Curve  
Mendota Heights, MN 55118

## Board of Peace Officer Standards and Training

### Request for Comments on Planned Amendment to Rules Governing Licensing and Examination Fees, *Minnesota Rules*, 6700.0600, 6700.1000 and Criminal Conviction History Affect on the Education and Recruitment of Candidates for Licensing, *Minnesota Rules*, 6700.0300, 6700.0601, 6700.0700, 6700.0701, 6700.1101

**Subject of Rules.** The Board of Peace Officer Standards and Training requests comments on its planned amendment to rules governing licensing and examination fees. The Board is considering rule amendments that will raise the licensing, license renewal, and examination fees to required level to recover costs associated with those Board functions. 3-year license fees and renewal fees are projected to increase from \$15 to \$90 and examination fees from \$40 to \$105. Associated fees will rise in accordance with new fee schedule. This increase in fees is a result of long-time under recovery of costs associated with licensing of peace officers. This increase will bring the Board into compliance with the required cost recovery law. Amended license *renewal* fees would not go into affect until the 1998 renewal period. These amendments are expected to be proposed as rules separate from the following possible amendments.

A second area in which the Board is considering rules amendments is how criminal conviction history will affect student eligibility for peace officer education programs, peace officer examination, and selection for appointment to peace officer or part-time peace officer positions. Standards of conduct for current licensees will not be addressed. Comments on these planned amendments are requested.

**Persons Affected.** The amendment to the rules would likely affect those examination prospects, current licensees, agencies employing licensees, and others who would pay the fees associated with examinations, licensing, or license renewal. In addition, peace officer education and training programs and public interest groups and individuals involved in issues of peace officer education and employment will be affected.

**Statutory Authority.** *Minnesota Statutes*, §16A.1285 subd. 1. defines "departmental earnings" as "any charge for goods and services and any regulatory, licensure, or other similar charges levied by any state agency and paid by individuals, businesses, or other nonstate entities." Subd 2. then requires that these "departmental earnings" "must be set at a level that neither significantly over recovers nor under recovers costs, including overhead costs, involved in providing the services."

*Minnesota Statutes*, § 626.843 provides the authority to adopt rules with respect to the recruitment and licensing of peace officers within the state and such matters as may be necessary, consistent with the statutory duties and areas of involvement of the POST Board.

**Public Comment.** Interested persons or groups may submit comments or information on these planned rules in writing until further notice is published in the *State Register* that the Department intends to adopt or to withdraw the rules. The Board does contemplate appointing an advisory committee to comment on the planned rules for criminal history standards. The first meeting of this advisory committee will be 9:00 a.m. Thursday, April 17, 1997 at the offices of the POST Board. Address the Agency Contact Person for input on the advisory committee process and membership.

**Rules Drafts.** The Board has not yet prepared a draft of the planned amendments but such a draft will be available when prepared.

**Agency Contact Person.** Written comments, questions or requests to receive a draft of the amendments when they have been prepared and requests for more information on these planned amendments should be addressed to: Mark Bliven, Minnesota Board of Peace Officer Standards and Training (POST Board), 1600 University Avenue Suite 200, St. Paul, MN 55104-3825, (612)603-0070. TDD users may call the Board at (612) 297-2100.

**Alternative Format.** Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

**Note:** Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Dated: 12 March 1997

John Laux, Executive Director  
Minnesota Board of Peace Officer Standards and Training

## Department of Public Safety

### Minnesota Auto Theft Prevention Program

#### Notice of Meeting of the Board of Directors

The Department of Public Safety, Minnesota Auto Theft Prevention Program (MATPP), will be holding its Board of Directors meeting on the following scheduled date: April 10, 1997. The meeting will begin at 9:00 a.m. at the MATPP office located at 1110 Centre Pointe Curve, Mendota Hts., MN. (Hwy 110 and Lexington Ave. - GNB Bldg.). The meeting is open to the public, and you may contact 612/405-6155 for more information.

## Minnesota Department of Public Safety

### Driver and Vehicle Services Division

#### Request for Comment on Planned Amendments to Rules Governing Qualifications for School Bus Drivers, *Minnesota Rules*, Chapter 7414

**Subject of Rule.** The Minnesota Department of Public Safety requests comment on planned amendments to rules governing the qualifications for school bus drivers, *Minnesota Rules*, chapter 7414. These rules set the standards for persons who want to drive a school bus within the state. The department is considering amending the existing rules to:

- add common definitions,
- expand the existing endorsement categories to better correlate with school bus passenger and gross vehicle weights,
- incorporate the physical qualification standards for motor carriers contained in federal code as the intra state standard for all school bus drivers,
- develop procedures and criteria the department shall use to consider a waiver of the physical qualifications and comply with the Americans with Disabilities Act,

## Official Notices

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- clarify written and road test standards providing consistency with federal motor carrier standards where possible,
- develop general policy for the administration of a temporary school bus endorsement and the contents of the affidavit relating to disqualifying offenses; and
- clarify or repeal the standard relating to felony charges.

**Persons Affected.** The amendments to *Minnesota Rules*, chapter 7414 would likely affect all persons who are or want to be a school bus driver, entities that operate school buses and employ drivers, public and private schools, children who use school buses, their parents, and members of the general public who are concerned about school bus safety.

**Statutory Authority.** *Minnesota Statutes*, sections 299A.01 and 14.06 provide the department with general rulemaking authority relating to public policy of general applicability and future effect. *Minnesota Statutes*, section 171.321 provides for rulemaking authority with respect to the qualifications for school bus drivers.

**Public Comment.** Interested persons or groups may submit comment or information on the planned rules in writing or orally until further notice is published in the *State Register* that the Department intends to adopt or to withdraw the rules.

The department does not contemplate appointing an advisory committee to comment on the planned rules, however, the department does anticipate using the existing school bus safety advisory committee established under *Minnesota Statutes*, section 169.435 to review and comment on draft rule provisions. This committee is comprised of representatives of the departments of children, families and learning, public safety, and human rights, a county or city attorney, a representative of the state patrol, a school board member and a school superintendent, school bus drivers from the metropolitan area and greater Minnesota, school transportation contractors from the metropolitan area and greater Minnesota, and five members of the public of which at least four are parents of children who ride a school bus and a parent of a child with a disability. Advisory committee meetings are open to the public. If you want to be notified of the time and place of the advisory committee meetings notify the agency contact person specified in this notice.

**Rule Drafts.** One or more drafts of planned rules will be prepared and reviewed by the department with members of the school bus safety advisory committee.

**Agency Contact Person.** Written or oral comment, questions, and requests for more information on the planned rules should be addressed to:

Jane A. Nelson  
Management Analyst - Administrative Rules  
Department of Public Safety, Room 120  
395 John Ireland Boulevard  
Saint Paul, Minnesota 55155  
Phone: 612-296-2608 or Fax: 612-296-3141.  
E:mail: Jane.Nelson@state.mn.us

**Alternative format.** This Request for Comments can be made available in an alternative format such as large print, Braille, or cassette tape. To make such a request, contact the agency contact person at the address or telephone number listed above.

**Note:** Comment received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt the rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Dated: 19 March 1997

Donald E. Davis, Commissioner  
Department of Public Safety

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# State Grants and Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

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## Department of Children Families and Learning Office of Community Collaboration

### Availability of Federal Funds for Adult Basic Education

The Minnesota Department of Children Families and Learning announces the availability of funds for the 1997-1998 school year to subsidize Adult Basic Education under Public Law 91-230, as amended.

Public Law 91-230's purpose is to continue providing and expanding the availability of appropriate learning opportunities for adults with education needs below the level equivalent to high school completion that will:

1. Enable these adults to acquire the basic literacy, coping and learning-to-learn skills necessary to function fully and effectively in their own environments and in society at large;
2. Enable these adults who so desire to continue their education to at least the level of secondary school completion, and;
3. Enable these adults to secure and benefit from continued training and education that will further enhance their employability, productiveness, and responsible citizenship.

Applications for program design approval and funding to carry out the purposes of this act may be submitted by local educational agencies and by public or private agencies, organizations, and institutions with priority given to applications representing consortia of all available resources and services.

Application procedures and forms may be obtained after April 1, 1997, by writing to: Brian Kanen, Coordinator, Adult Basic Education, Minnesota Department of Children Families and Learning, 995 Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101. To be considered for approval all completed applications must be delivered to the Department of Children Families and Learning on or before June 2, 1997.

## Department of Children Families and Learning Office of Community Collaboration

### Availability of Federal Funds for Adult Basic Education for Special Experimental Demonstration Projects and Teacher Training

The Minnesota Department of Children Families and Learning announces that funds will be available for the 1997-1998 fiscal year under Section 353 of the Federal Adult Education Act to carry out special experimental demonstration projects that enhance adult basic education teaching and learning. Decisions are pending regarding the actual release of these funds. The request for proposals for these funds will be announced at a later date.

**ADULT BASIC EDUCATION SPECIAL PROJECTS ARE ONES THAT:** Involve the use of innovative methods (including methods for educating persons of limited English proficiency), systems, materials or programs that may have significance in developing and implementing the self-directed, learner-centered ABE described in the Minnesota State Plan for Adult Education, or be of special value in promoting that effective adult learning.

Applications for special project design and funding to carry out the purpose stated above may be submitted by local educational agencies, and by public or private agencies, organizations, and institutions with priority given to applications representing consortia of all available resources and services.

For more information on application procedures and forms, you may contact: Barry Shaffer, Adult Basic Education, Minnesota Department of Children Families and Learning, 996 Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101

## Housing Finance Agency Department of Human Services

### Notice of Funds Available and Contingent Request for Proposal for the Bridges Rental Assistance Program

The Minnesota Housing Finance Agency (MHFA) and the Minnesota Department of Human Services (DHS), Mental Health Division, announces the anticipated availability of grant funds through the Bridges Program. The actual availability and amount of funds are contingent upon approval by the 1997 Minnesota Legislature.

**Eligible Applicants:** A co-application is required by Local Mental Health Authorities (LMHA) and housing agency (HA) who is able to administer a Section 8 rental assistance type program. Priority will be given to partnerships proposing to operate in areas under-served in rental subsidies for persons with serious and persistent mental illness.

**Location:** Bridges rental assistance is limited to counties in which an existing Section 8 certificate and voucher program is/can be administered under the jurisdiction of the U.S. Department of Housing and Urban Development (HUD).

**Amount of Funds:** \$2.4 million in grant funds have been requested for the biennium ending June 30, 1999.

**Eligible Uses:** Temporary rental assistance payments and security deposits paid directly to landlords on behalf of participants with a serious and persistent mental illness who are on a waiting list for a permanent rent subsidy. Other eligible uses include utility deposits, contract rent for up to ninety days during a medical or psychiatric crisis, payment to utility companies for up to ninety days during medical or psychiatric hospitalization. Administrative fees charged by housing agencies may not exceed \$40 per month.

**Eligibility Requirements:** The head of household, or other adult household member has a serious and persistent mental illness. Gross income of the household is at or below 50 percent of the area median income for the household size as defined by HUD. Participants are required to apply for and accept a federal or other permanent housing subsidy when offered.

Rents may not exceed fair market rent limits as established for geographical areas by HUD. Rental units must pass Housing Quality Standards.

**Reporting:** Quarterly payment requests to be submitted to MHFA. Participant data submitted with second and fourth quarter payment requests.

**Procedures:** Applicant should request application packets from Agency by writing or calling:

Minnesota Housing Finance Agency  
Attention: Bridges, Multifamily Division  
400 Sibley Street, Suite 300  
Saint Paul, MN 55101-1998  
1-800-657-3647, or 297-4455

The deadline for all applicants is **5:00 p.m. Friday, May 30, 1997.**

**Selection Process:** All complete proposals which meet the basic requirements and the selection criteria of the program, and are received by the deadline, will be considered. MHFA/DHS may request clarification of information after reviewing applications.

Final selections should be made by the MHFA Board on June 26, 1997. All applicants are notified of the selections.

It is the policy of the Minnesota Housing Finance Agency (MHFA) to further fair housing opportunity in all Agency Programs and to administer its housing programs affirmatively, so that all Minnesotans of similar income levels have equal access to Agency programs regardless of race, color, creed, religion, national origin, sex, marital status, status with regard to receipt of public assistance disability, or familial states.

This request for Proposals (RFP) is subject to all applicable federal, state, and municipal laws, rules, and regulations. MHFA/DHS reserve the right to modify or withdraw the RFP at any time and is not able to reimburse any applicant for costs incurred in the preparation or submittal of applications.

## **Department of Human Services**

### **Chemical Dependency Program Division**

#### **Request for Proposals on Educational Training for Chemical Dependency Licensure and for Youth Camp Activities for American Indian Youth that Will Provide Services to American Indian Citizens of Minnesota**

The Chemical Dependency Program Division (CDPD) of the Minnesota Department of Human Services is soliciting proposals from American Indian human services providers, non-profit organizations, private organizations and units of government to provide chemical dependency services for American Indian citizens of Minnesota. Proposals must address one of the following areas:

- \$40,000 - a planning grant to develop a mechanism for assisting American Indian CD counselors in meeting the educational/training requirement for Chemical Dependency licensure.
- \$40,000 - for programs to provide youth camp activities for American Indian Youth. Applications will be considered for either a state-wide youth camp or youth camps targeting both reservation and urban youth.

The funded programs will begin on or about July 1, 1997. One year grants will be awarded to qualified applicants. Proposals must be received no later than 4:30 p.m. on Monday, May 12, 1997.

Telephone requests for programmatic information concerning this RFP should be directed to Donna Isham, Director of the American Indian Desk, at (612) 296-4043. Budget/fund use questions should be directed to Jo Ann Burns, Grants Manager at (612) 297-1863.

# Professional, Technical & Consulting Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, and final submission date of completed contract proposal.

In accordance with *Minnesota Rules Part 1230.1910*, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of up to 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612) 296-2600 or [TFY (612) 297-5353 and ask for 296-2600].

## Minnesota State Colleges and Universities (MnSCU)

### Notice of Request for Proposals for Single Parents, Displaced Homemakers, Single Pregnant Women, and Sex Equity

The Minnesota State Colleges and Universities is seeking proposals in the areas of Single Parents, Displaced Homemakers, Single Pregnant Women, and Sex Equity through the Carl D. Perkins Vocational and Applied Technology Education Act of 1990. All applications must be made through a Minnesota Technical College, Consolidated Community and Technical College, or an eligible Community College.

**NOTE:** In the Single Parent, Displaced Homemaker, and Single Pregnant Women categories, community based organizations are eligible to apply, but must be submitted through a Minnesota Technical College, Consolidated Community and Technical College, or an eligible Community College.

#### Proposal for Single Parent, Displaced Homemakers, Single Pregnant Women and Sex Equity

Proposals to implement Single Parent, Displaced Homemakers, Single Pregnant Women and Sex Equity programs designed to meet the unique needs of the described special populations and to provide vocational education information and activity whereby students enter occupations not traditionally associated with their gender. The RFP application and additional information should be requested from:

Janice Templin  
Minnesota State Colleges and Universities  
Room 375 - Capitol Square Building  
550 Cedar Street  
St. Paul, MN 55101  
(612) 296-9451

Final budget figures are not available. Tentative estimates are \$700,000 for Single Parent, Displaced Homemakers, Single Pregnant Women and \$240,000 for Sex Equity.

Proposals for postsecondary must be received by Janice Templin at the above address by 4:00 p.m. on Thursday, May 15, 1997.

Dated: 19 March 1997

**Department of Human Services**

**Regional Treatment Centers and State Operated Community Services**

**Notice of Request for Proposals for the Provision of Psychiatric Services Throughout the State of Minnesota**

The Minnesota Department of Human Services is requesting proposals from qualified Psychiatrist, Locum Tenens Companies and other qualified parties to provide psychiatric services to the Regional Treatment Centers and Community Based homes located throughout the State of Minnesota. The State anticipates awarding multiple contracts as a result of this solicitation. A proposer entering into a contract is not guaranteed any particular volume or frequency of work. Work will be assigned on an as needed basis. The terms of the contract(s) will be July 1, 1997 to June 30, 1998 with the option to renew for two additional two year periods.

A Request for Proposal may be obtained by calling or writing:

Department of Human Services  
Joseph Zych  
Appeals and Regulations Division  
444 Lafayette Rd, 4th fl, Mailstop 3813  
St. Paul MN 55155  
Telephone: (612) 296-7815

Proposal responses must be submitted no later than 4:00 PM on April 18, 1997. It is anticipated that the selection and evaluation will be completed by May 2, 1997.

This solicitation does not obligate the State to enter into and complete the contract, and the State reserves the right to cancel the solicitation if it is considered to be in it's best interest.

# Non-State Public Bids, Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

## Minnesota Historical Society

### Notice of Request for Bids for the Design and Building of a Database for the Minnesota Photograph Access Project

The Minnesota Historical Society is seeking bids from qualified firms and individuals to provide the design services, and then to build, a database for the Minnesota Photograph Access Project per the proposal to be provided by the Minnesota Historical Society.

The Access Project consists of creating the database and the associated Windows-based, client-server staff access interface; populating the database through the conversion of existing electronic information and data entry form original files; linking the database and images to the web-based Research Information System; and scanning photographs for electronic retrieval and display. **The Society is requesting proposals that will complete the first phase of the project and provide a workplan for accomplishing the second and third.**

The Request for Bids is available by calling or writing Deane M. Roe, Contracting Officer, Minnesota Historical Society, 345 Kellogg Blvd. West, St. Paul, MN 55102. Telephone (612) 297-5863.

Bids must be received not later than 2:00 P.M. Central Time April 15, 1997.

Complete Specifications and details concerning submission requirements are included in the Request for Bids.

## Minnesota Historical Society

### Notice of Request for Bids for Historical Fence Restoration at the Historical Alexander Ramsey House

The Minnesota Historical Society is seeking bids from qualified firms and individuals to provide all materials, equipment, labor, supplies for the restoration of the fence at the Alexander Ramsey House.

The work will generally consist of dismantling of the existing ornamental fence, the restoration of certain stretches of the stone masonry wall, and the erection of the ornamental fence using salvaged lattice panels and lattice panels provided by the Minnesota Historical Society.

The Request for Bids is available by calling or writing Deane M. Roe, Contracting Officer, Minnesota Historical Society, 345 Kellogg Blvd. West, St. Paul, MN 55102. Telephone (612) 297-5863.

Bids must be received not later than 2:00 P.M. Central Time April 16, 1997.

Complete Specifications and details concerning submission requirements are included in the Request for Bids.

Dated: 20 March 1997

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